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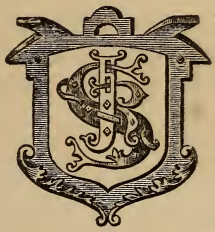
THE TABLE-TALK

OF JOHN SELDEN.

WITH A BIOGRAPHICAL PREFACE AND NOTES

BY S. W. SINGER, F.S.A.

THIRD EDITION.



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"THERE is more weighty bullion sense in this book, than I ever found in the same number of pages of any uninspired writer."—COLERIDGE.

ADVERTISEMENT.

THE flattering reception and rapid sale of the former edition of this little book given by the late Mr. Pickering in 1847, has encouraged the present publisher to solicit me to superintend this re-impression; and I have spared no pains to make it at least equally worthy of public favour. The text has been again carefully revised, and the notes, with some augmentation, are now placed beneath it, instead of at the end of the volume. It has been a source of infinite satisfaction to me to be called upon in the evening of life to revise the text of the dramas of our great poet and that of this little golden manual, and to renew my intercourse with the minds of Shakespeare and Selden.

S. W. S.

Mickleham,
November 19, 1855.

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BIOGRAPHICAL PREFACE.

NOTHING can be more interesting than this little book, containing a lively picture of the opinions and conversation of one of the most eminent scholars and most distinguished patriots England has produced; living at a period the most eventful of our history. There are few volumes of its size so pregnant with sense, combined with the most profound learning; it is impossible to open it without finding some important fact or discussion, something practically useful and applicable to the business of life. It may be said of it, as of that exquisite little manual, Bacon's Essays, after the twentieth perusal one seldom fails to remark in it something overlooked before.

Such were my feelings and expressions upwards of thirty years since, in giving to the world an edition of Selden's Table-Talk, which has long been numbered in the list of scarce books, and that opinion time has fully confirmed. It was with infinite satisfaction therefore I found that one whose opinion may be safely taken as the highest authority, had as fully appreciated its worth.

Coleridge thus emphatically expresses himself: "There is more weighty bullion sense in this book, than I ever found in the same number of pages of any uninspired writer." And in a note on the article Parliament, he writes: "Excellent! O! to have been with Selden over his glass of wine, making every accident an outlet and a vehicle of wisdom."*

Its merits had not escaped the notice of Johnson, though in politics opposed to much that it inculcates, for in reply to an observation of Boswell, in praise of the French Ana, he said: "A few of them are good, but we have one book of that kind better than any of them—Selden's Table-talk."†

The collector and recorder of these *Aurea Dicta*, the Reverend Richard Milward, was for many years Selden's Amanuensis; he had graduated at Trinity College, Cambridge, and subsequently became Rector of Little Braxted, in Essex, upon the presentation of its then patron, the Earl of Pembroke. He was also installed a Canon of Windsor, in 1666, and died in 1680.

From the dedication to Selden's Executors, it will be obvious that Milward intended it for publication; but it did not issue from the press until nine years after his death. Among the Harleian MSS. in the British Museum (1315, pl. 42. 6.) is a written copy of this work,

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* Coleridge's Literary Remains, vol. ii. pp. 361-2.

† Boswell's Journal of a Tour to the Hebrides, p. 321. It appears that it was once intended to translate it into French, and publish it under the title of SELDENIANA. See Mélanges de Littérature, par Vigneul Marville (i. e. Noel d'Argonne) tome i. p. 48.

on which is the following note by Lord Oxford: "This book was given in 168— by Charles Earl of Dorset to a Bookseller in Fleet Street, in order to have it printed, but the bookseller delaying to have it done, Mr. Thomas Rymer sold a copy he procured to Mr. Churchill,* who printed it."

The authors of a literary journal gave at the time† an opinion against the authority of the book, on the ground that it contained many things unworthy of a man of Selden's erudition, and at variance with his principles and practice. Dr. Wilkins, the editor of his works, has adopted this opinion, but we may fairly suspect that his own political bias may have influenced this decision. The compilation has such a complete and unaffected air of genuineness, that we can have no hesitation in giving credit to the assertion of Milward, who says that "It was faithfully committed to writing, from time to time, during the long period of twenty years, in which he enjoyed the opportunity of daily hearing his (Selden's) discourse, and of recording the excellent things that fell from him." He appeals to the executors and friends of Selden, for the fact that such was the manner of his patron's conversation, and says that they will quickly perceive them to be his by the familiar illustrations wherewith they are set off, and in which way they know he was so happy. This dedicatory ap-

* No edition that I have seen has the name of Churchill as publisher. That which has always been considered the first, is in small 4to. 60 pages, and professes to be "Printed for *E. Smith*, in the year MDCLXXXIX."

† The Leipsic "Acts of the Learned."

peal to the most intimate friends of Selden, is surely a sufficient testimonial to the veracity of his assertion, and to the genuine authority of the work.

It was possibly thought that the familiar and sometimes homely manner in which many of the subjects discussed are illustrated, was not such as might have been expected from a profound scholar; but Selden, with all his learning, was a man of the world, familiar with the ordinary scenes of common life, and knew how to bring abstruse subjects home to the business and bosoms of men of ordinary capacity, in a manner at once perspicuous and agreeable.

"He was a person (says his friend Lord Clarendon) whom no character can flatter, or transmit in any expressions equal to his merit and virtue. He was of such stupendous learning in all kinds, and in all languages, that a man would have thought he had been entirely conversant among books, and had never spent an hour but in reading and writing; yet his humanity, courtesy, and affability were such, that he would have been thought to have been bred in the best courts, but that his good nature, charity, and delight in doing good, and in communicating all he knew, exceeded that breeding. His style in all his writings seems harsh and sometimes obscure,* which is not wholly to be imputed to the abstruse subjects of which he commonly treated, but to a little undervaluing of style, and too much propensity to the language of antiquity; but *in his con-*

* Aubrey says; "in his younger years he affected obscurity of style, which, after, he quite left off, and wrote perspicuously."

versation he was the most clear discourser, and had the best faculty of making hard things easy, and of presenting them to the understanding, of any man that hath been known. Mr. Hyde was wont to say that he valued himself upon nothing more than upon having had Mr. Selden's acquaintance from the time he was very young. If he had some infirmities with other men, they were weighed down with wonderful and prodigious excellencies in the other scale."* It has been justly observed that it affords testimony in favour of both, that after their separation in the public path of politics, their friendship remained unaltered, and that Hyde on every occasion stood forth in defence of Selden's conscientious conduct.

Selden was born at Salvington, a hamlet in the parish of West Tarring, on the coast of Sussex, not far from Worthing. The cottage in which he first saw the light was then known as Lacies, and is attached to a farm of about 80 acres. When visited in the year 1834, no relic of Selden remained but an inscription on the inside of the lintel of the entrance doorway, consisting of the following Latin distich, said to have been composed by him when only 10 years old:

GRATVS Honeste MIH· NŌ clavdar INITO SEDEB'
FVR ABEAS: NŌ SV̄ FACTA SOLVTA TIBI.†

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* Lord Clarendon's Life by himself, fol. ed. p. 16.

† *i. e.* Honest friend, welcome to me I will not be closed, enter and be seated.

Thief! begone, I am not open to thee.

JOHNSON'S MEMOIRS OF SELDEN.

This inscription reminds us of the story told by Pasquier in

Aubrey, who has left some gossiping materials for a life of Selden, says that his father was "a yeomanly man of about 40*l.* per annum," that he played well on the violin, in which he took delight; and at Christmas time, to please himself and his neighbours, would play to them as they danced. In the parish register of West Tarring, is this entry: "1584, John, the Sonne of John Selden, the Minstrell, was baptized the 20th day of December." So that there is some reason to conclude that his father occasionally exercised his musical talent professionally. Indeed Aubrey tells us that "My old Lady Cotton (wife to Sir Robert Cotton) was one time at Sir Thomas Alford's in Sussex, at dinner in Christmas time, and Mr. J. Selden (then a young student) sate at the lower end of the table, who was looked upon then to be of parts extraordinary, and somebody asking who he was, 'twas replied,—his son that is playing on the violin in the hall."

Wood says that it was his father's musical talent that gained him his wife, who was the daughter and heiress of Thomas Baker of Rushington, and descended from a knightly family of that name in Kent; her fortune was

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his Recherches, upon the authority of Alciat. A priest named Martin, being made Abbot of *Asello*, found inscribed over the gate,

PORTA PATENS ESTO NVLLI CLAVDARIS HONESTO.

Being annoyed by the influx of visitors it occasioned, he removed the point from the end of the line and placed it after NVLLI, and in consequence of the joke was deprived of his Abbey: upon which some one wrote over the gate,

PRO SOLO PVNCTO CARVIT MARTINVS ASELLO.

And as the word ASELLO presented an equivocal sense, it gave rise to the proverb, "Faute d'un point Martin perdit son âne."

probably small. Selden's sister seems to have married humbly; her husband appears to have exercised the profession of a musician at Chichester, and being an invalid with a large family, had a pension of about 25*l.* per annum, Selden being one of the contributors to his necessities.

Selden received the first rudiments of Education at the free-school of Chichester, under Hugh Barker, afterwards a distinguished civilian; and that he was an apt scholar appears from his early proficiency, for he was admitted a student of Hart Hall,* Oxford, when only fourteen years old. Wood tells us that he was indebted to Dr. Juxon for his exhibition; and that he was a great favourite with Mr. Barker, who recommended him to his brother Anthony, a fellow of New College, who with John Young, another fellow of the same college, assisted him in his studies.

He remained at Oxford about four years, and in 1602 he repaired to London, and entered himself at Clifford's Inn: here he commenced his study of the law; and in May, 1604, he removed to the Inner Temple; his chamber was in an upper story, in Paper Buildings, having the advantage of a small gallery to walk in, and looking toward the garden.

His early proficiency appears to have recommended

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* Hart Hall, afterwards Hertford College; by the liberality of Dr. Newton, it was in 1740 converted into a College, receiving a charter of incorporation, but the funds proving insufficient for its maintenance, at the death of Dr. Hodgson the principal, in 1805, it became extinct, and the site is now occupied by Magdalene College.

him to the notice of Sir Robert Cotton, for whom he is said to have copied records, and to whom he became closely attached; to this early intercourse most probably may be attributed his predilection for antiquarian pursuits.

It was at this period of his life that, from being devoted to similar studies, he formed acquaintance, which afterwards ripened into friendship, with some of his eminent cotemporaries, among whom may be named Henry Rolle, afterwards Lord Chief Justice; Sir Edward Littleton, afterwards Lord Keeper; Sir Edward Herbert, subsequently Attorney General; and Sir Thomas Gardiner, who became Recorder of London. "It was the constant and almost daily course (says Wood) of those great traders in learning, to bring in their acquests as it were in a common stock, by natural communication, whereby each of them, in a great measure, became the participant and common possessor of each other's learning and knowledge." He also formed intimate friendships with two of the most distinguished men of his time, Camden, and Ben Jonson, and pursued his studies in conjunction with one less known, Mr. Edward Heyward, of Reepham in Norfolk. The virtue and learning of this his "beloved friend and chamber-fellow" he speaks of in high terms.

He became so sedulous a student, and his proficiency was so well known that he was soon in extensive practice as a chamber council and conveyancer; but he does not seem to have appeared frequently at the bar. His devotion to his profession did not prevent him from pursuing his literary occupations with assiduity, and at

the early age of twenty-two he had completed his Dissertation on the Civil Government of Britain before the Norman Conquest, which, imperfect as it may now be thought, was still an astonishing performance for the age at which it was composed.*

In 1610 we find him pursuing the same course of study, the fruits of which were given to the world under the titles of "*Englands Epinomis*," and "*Jani Anglorum facies altera*,"† the first in English, the latter in Latin, illustrative of the state and progress of Eng-

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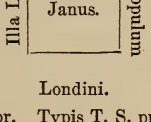
* It was not however published until 1615, when it was printed at Frankfort under the title of Analecta Anglo-Brittannicωn. The preface is dated 1607, and it is dedicated to Sir Robert Cotton.

† The *first edition* of the *Jani Anglorum*, is a very small 12mo. apparently privately printed for the Author, and is very rarely met with. The Title:

Jani Anglorum Facies altera Memoriâ nempè à primulâ Henrici II. adusque abitionem quod occurrit Prophanum Anglo-Britanniæ Jus resipiens succureto *διηγηματικῶς* connexum filo. Inlustriss Comiti Sarisburiæ DEST. D. D. Operâ Joannis SELDEN Saluintonji è Societate Inter Templ. Londinensis.



Londini.

Impens. Auctor. Typis T. S. procur. I. Helme

CIↃ. IↃ. C. X.

A copy was sold in the sale of T. Rawlinson's Library for 7*s.* 6*d.* Teste the celebrated collector.—J. West.

lish law, from the earliest times to the end of the reign of Henry the Second.

In the same year he published his Essay on "The Duel, or Single Combat," in which he confines his attention chiefly to the forms and ceremonies attending judicial combats since the Norman Conquest.

In 1613 he furnished the English notes to the first eighteen songs of Drayton's Polyolbion: the prodigious number of the references in these notes manifest his learning and assiduity. His intimacy with Drayton and Browne, as well as Jonson, perhaps arose from those social meetings at the Mermaid* Tavern, in Fri-

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* Selden's intimacy with Jonson, Drayton, and Browne, might give us reason to suppose that in his earlier years poetry had some share of his attention, but he does not appear to have been a very successful votary of the Muses, and but few of his attempts in verse have been preserved: the reader may not be displeased to have a specimen, in his complimentary tributes to Donne and Browne.

The following lines were addressed to Drayton, and prefixed to his poems in 1610:

Michael!

I must admire thee, (but to praise were vain
What ev'ry tasting-palate so approves)
Thy Martial Pyrrhic, and thy Epic strain
Digesting Wars with heart-uniting Loves.
The two first Authors of what is compos'd
In this round system all; its ancient lore
All Arts in Discords and Concents are clos'd;
When souls unwing'd Adrasta's laws restore
To th' Earth, for reparation of their flights,
Scholars the first, Musicians, Lovers make,
The next rank destinate to Mars his Knights,
(The following rabble meaner titles take,)
I see thy temples crown'd with Phœbus' rites:

day Street, where, in 1603, a club had been established by Sir Walter Raleigh, at which those interesting "wit-

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Thy Bays to th' eye with Lilly mix'd and Rose,
As to the care a Diapason close.

JOHN SELDEN.

These verses are followed by panegyrical lines by Edward Heyward "To his friend the Author."

There are verses in Greek, Latin, and English, by Selden, prefixed to Browne's Britannia's Pastorals (the first part in sm. folio was printed, I believe, in 1613, the second Edit. in sm. 4to. in 1625).

It is remarkable that Selden's verses are also here followed by some by Edward Heyward, and indeed, almost all the commendatory verses prefixed are by Members of the Inner and Middle Temple. Browne was himself of the Inner Temple.

In
Bucolica G. Broun. Quod, per secessus Rustici otia, Licuit ad Amic. and Bon. Liter. amantiss.

Anacreonticum
Καλλος σον Κυθερεια, &c. 16 lines.

Ad Amoris Numina
Quin vostrum Paphie, Anteros, Erosque, &c. 40 lines.

By the Same.

So much a Stranger my *Severer Muse*
Is not to Love-strains, or a Sheepwards Reed,
But that She knows some writes of *Phœbus'* dues,
Of Pan, of Pallas, and her Sisters meed.
Read and commend She durst these tun'd essaies
Of *Him that loves her* (She hath ever found
Her Studies as one circle) Next She prays
His Readers be with *Rose* and *Myrtle* crown'd!
No Willow touch them! As his *Baies** are free
From wrong of Bolts, so may their Chaplets be!

J. Selden, Juris C.

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* *Baies* (faire Readers) being the materials of *Poets* garlands, (as *Myrtle* and *Roses* arefor enjoying *Lovers*, and the fruitless,

combats" between Shakespeare and Jonson took place, thus alluded to by Beaumont in his letter to Jonson:

> What things have we seen
> Done at the Mermaid! Heard words that have been
> So nimble, and so full of subtle flame,
> As if that every one from whom they came
> Had meant to put his whole wit in a jest.

His intense application appears to have very materially injured his health, for in the dedication of his "Titles of Honor," published in 1614, to his friend Mr. Edward Heyward, he says, "Some years since it was finished, wanting only in some parts my last hand; which was then prevented by my dangerous and tedious sicknesse;" from this attack he attributes his recovery to the skill and care of Dr. Robert Floyd (or Fludd), the celebrated Rosicrusian philosopher, who is said to have insured the efficacy of his nostrums by the mystical incantations he muttered over his patients. Returning to his studies with fresh zest and renewed vigour, he says, "Thus I employed the breathing times which from the so different studies of my profession, were allowed me. Nor hath the proverbial assertion that *the Lady Common Law must lye alone*, ever wrought with me."

Selden prefixed to this book some Greek verses addressed to "That singular Glory of our Nation and Light of Britaine, M. Camden Clarenceux," and the highly complimentary epistle by Ben Jonson which is

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Willow for them which your unconstancie, too oft, makes most unhappy) are supposed not subject to any hurt of *Jupiters* Thunderbolts, as other trees are.

subjoined to this preface.* In the year 1617 he contributed the marginal notes to Purchas's Pilgrimage, and a short paper, "Of the Jews sometime living in England," and the same year produced his celebrated work, "De Diis Syris;" the Prolegomena treats of the Geography of Syria, of the Hebrew Language, and the

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* In the preface to the first edition we have the following interesting notice of his intimacy with Ben Jonson: "When I was to use [a passage out of Euripides his Orestes] not having at hand the Scholiast, out of whom I hoped some aid, I went, for this purpose, to see it in the well furnished librarie of my beloved friend that singular Poet M. Ben Jonson, whose special worth in literature, accurate judgement, and performance, known only to that *Few* which are truly able to know him, hath had from me, ever since I began to learn, an increasing admiration." The motto to this edition was from Lucilius; *Persium non curo legere: Lælium Decimum volo.* It is also furnished with a list of the Authors cited, and excellent Indexes, an advantage which the *Second* edition published in folio in 1631 does not possess.

To this *Second* edition, which is so much enlarged as to constitute it almost a new work, another dedication is prefixed, but still to his "most beloved friend Edward Heyward," now styled "Of Cardeston in Norfolk, Esquire." The commendatory verses of Ben Jonson were also retained. In a copy in my possession, which appears to have belonged to Sir Thomas Cotton, the following manuscript verses are on a blank leaf facing the title, and are again repeated, in the same handwriting, after the verses of Ben Jonson. They will serve to show in what very high esteem Selden was held by his cotemporaries, though they have no other merit:

> Selden the greate! there hardly is a name
> More loudely sounded by the trumpe of Fame.
> Th' annals of learning's Commonwealth doe tell
> Of no Prince there, whose worth doth more excell.
>
> W. M.

The price of this folio appears to have been xvi. Sh. bound.

origin and progress of Polytheism, and the two Syntagmata embrace the history of the Syrian deities.

He tells us that previously to the year 1618, pursuing an uncontrolled habit of study, full of ambition and hope, he determined to write, among other works, a History of Tithes, a Diatribe on the Birthday of Christ, and upon the Dominion of the Sea. The History of Tithes was printed in 1618, being duly licensed for the press; but even previous to its publication, prejudice seems to have been raised against it, and it no sooner appeared than it excited the displeasure of the court, and the bench of Bishops, with the honourable exception of the excellent and pious Lancelot Andrewes, Bishop of Winchester.

"As soon as it was printed and public," says Selden, "divers were ready to publish that it was written to prove that Tithes were not *Jure divino;* some that it was written to prove, nay, that it had proved, that no tithes at all were due; others that I had concluded that, questionless, laymen might, with good conscience, detain impropriated churches; others that it was expressly against the tithes of London." The work however was written with a far different intention. The fact is that it was a purely Historical Inquiry, and he says, "I doubted not but that it would have been acceptable to every ingenuous Christian, and especially to the clergy, to whose disputations and determinations I resolved to leave the point of the divine right of tithes, and keep myself to the historical part." In this expectation he was bitterly deceived, it brought forth a host of answers and animadversions, the most marked of which were

those of Dr. Tillesley, Archdeacon of Rochester, and Dr. Montague, afterwards Bishop of Norwich. It had been so misrepresented to the King, that Selden was summoned to appear before him with his work; he repaired to Theobalds, where the King then was, accompanied by his friends Ben Jonson and Edward Heyward, "being," as he says, "entirely a stranger to the court, and known personally there to a very few." The King admitted him to a conference, and descanted sometimes learnedly, sometimes humorously, and at other times angrily upon various passages of his work; but dwelt particularly on the apostolic appointment of the anniversary of Christ's Nativity, saying that he suspected Selden agreed with those contentious Scots, who refused to observe any particular day; and upon Selden observing that this was so far from his opinion that he thought the 25th of December might by calculation be proved to be the proper day, he was commanded to write an essay on the subject, which injunction he afterwards complied with. He had another conference with the King at Whitehall, and thought from his reception that the matter would rest there, but he was soon after summoned before the Privy Council, and before the High Commission Court, and was obliged to sign a declaration that he was in error in offering any argument against the right of maintenance *Jure divino* of the ministers of the gospel. His work was suppressed, and the King said to him: "If you or your friends write any thing against Dr. Montague's confutation I will throw you into prison." He tells us that the declaration he signed was drawn up through the favour

of some lords of the High Commission, that it was true he was sorry for having published it, because it had given offence, but that there was not the less truth in it because he was sorry for publishing it.*

He had spoken in this work of the unlimited liberty and confident daring of those who had interpreted the passage of Revelation which assigns 666 as the number of the beast, and praised the judgment and modesty of Calvin, who had declared that he could not understand that obscure book; and as it happened that the pedantic James had himself attempted to expound the mystic meaning, it is obvious that this tended to aggravate his anger. Selden was called upon to explain what he meant by this observation, and in doing so he made some compliments to the King which have been consi-

* It will be seen by referring to the article *Tithes* in the following volume, that forty years afterwards Selden had the satisfaction of knowing that the clergy sought and found their best defence in his persecuted volume. In 1653 the House of Commons in consequence of petitions presented to them instituted an inquiry about the abolition of Tithes; the Kentish petition desiring that "that Jewish and Antichristian bondage and burden on the estates and consciences of the godly might cease." And Dr. Langbaine, in a letter to Selden, thus expresses himself: "Upon occasion of the business of Tithes now under consideration, some, whom it more nearly concerns have been pleased to enquire of me what might be said as to the civil rights to them, to whom I was not able to give any better direction than by sending them to your *History*. Happily it may seem strange to them, yet I am not out of hopes, but that work, (like Pelius' Hasta,) which was looked upon as a piece that struck deepest against the divine, will afford the strongest arguments for the civil right: and if that be made the issue, I do not despair of the cause."

dered as derogatory of his better judgment, and unworthy of him.

In the struggle between James and the House of Commons, they had addressed to him a petition of grievances, in which their fear of the Papists and complaints of extravagance were the chief features; when it was sent, together with a remonstrance, by twelve members of the House, the King refused to receive the petition, and returned a harsh answer to the remonstrance. The House in consequence resolved not to grant him any supplies until their complaints were attended to, and the King adjourned and finally dissolved the parliament. Before the adjournment the House entered a protest on their Journals, previously consulting Selden, who, though not a member, was introduced and spoke with true patriotic feeling on the subject; and certainly advised, if he did not draw up, the protestation, which the enraged and baffled King afterwards tore with his own hand from the Journals of the House.

In the same tyrannic spirit the impotent monarch wreaked his vengeance upon those who were considered to have been the chief movers, and, upon warrants issued by the Privy Council, Sir Edward Coke, and Sir Robert Philips were committed to the Tower; and the Earl of Southampton, Sir Edward Sandys, Mr. Pym, Mr. Mallory, and Selden, to other places of confinement. The warrant for Selden's imprisonment directed his committal to the Tower, and prohibited his having communication with anybody but those who had the charge of his person; but he was retained in the custody of the Sheriff (Robert Ducie), who lodged him in

his own house, and treated him liberally and indulgently; to the restraint from intercourse with his friends the prohibition of the free use of his books was added, but the Sheriff indulged him with the use of two works, one of them the MS. of Eadmer's History, which he afterwards published.

His confinement was however of little more than a month's duration. Hackett has printed a letter of Lord Keeper Williams to Buckingham, in favour of the liberation of Lord Southampton and Selden, and this application prevailed, or the court, though willing, found that it had no power to punish; and after an examination before the Privy Council, where Selden seems to have been again protected by Bishop Andrewes, he was liberated on the 18th of July.

In 1621 the House of Peers honoured him with their request that he would compose a work on their Privileges, to which he appears sedulously to have applied himself; the result of his researches was probably communicated to the House long before, but the work itself, "*The Privileges of the Baronage of England*," was not published until 1642.

In 1623 he published his edition of Eadmer's *Historiæ Novorum, sive sui Seculi, libri sex*,* the notes

* Sir Henry Spelman is busie about the impression of his Glossary, and Mr. Selden of his Eadmerus, which will be finished within three or four days; together with his notes, and the Laws of the Conqueror; the comparing whereof with the copy of Crowland, was the cause of this long stay; for they could not get the book hither, though they had many promises, but were fain to send one to Crowland to compare things.

Sir H. Bourgchier to Usher, April 16, 1622.

to which contain much curious legal and historical matter.

James had in vain endeavoured to replenish his exchequer by having recourse to what were then strangely miscalled *Benevolences*, but this species of extortion was not found effective, and he was, at the commencement of the year 1624, constrained again to summon a parliament, in which Selden sat as one of the representatives for Lancaster. Dr. Aikin thinks it most probable that "he owed his election for this borough to his reputation as an able supporter of popular rights, when members were chosen rather for their public principles than for private connections."

Selden, though he does not appear to have taken much part in the debates of this session, was an active and valuable member of the celebrated Election Committee, of which Sergeant Glanville published the Report, and among its other members were Sir Edward Coke, Noy, Pym, and Finch. The reader need not be reminded that to this committee the nation owes one of the strongest bulwarks of its liberties in the establishment of the independence of the House of Commons, in the right of jurisdiction over the election of its members: it also established that the right of election is in those who possess property within the precincts of Boroughs, and not founded upon the royal grant.

Selden's time was now so fully occupied, that he refused to take upon him the duties of Reader of Lyon's Inn, to which he had been nominated by the benchers of the Inner Temple, and was in consequence fined in the sum of twenty pounds, and disabled from being

called to the bench or to be Reader of the Inner Temple, but the latter part of the order was rescinded in 1632 when he became a bencher of that Society.*

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* The following letter to Archbishop Usher will show how ardently he pursued his literary researches:

To the Most Reverend James Usher,
Archbishop of Armagh.

My Lord,

It was most glad news to me to hear of your so forward recovery, and I shall pray for the addition of strength to it, so that you may the easier go on still in the advancement of that commonwealth of learning wherein you so guide us. I humbly thank your Lordship for your instructions touching the Samaritan Bible, and the books. I have returned the Saxon Annals again, as you desired, with this suit, that if you have more of them (for these are very slight ones) and the old Book of Ely, Historia Joruallensis, the Saxon Evangelist, the Book of Worcester, the Book of Mailross, or any of them, you will be pleased to send me them all, or as many as you have of them by you, and what else you have of the History of Scotland and Ireland, and they shall be returned at your pleasure. If you have a Saxon Bede, I beseech you let that be one also. If I have anything here of the rest, or ought else that your Lordship requires for any present use, I shall most readily send them to you, and shall ever be

Your Lordship's most affectionate Servant,

J. SELDEN.

Sept. 14, 1625,
Wrest.

There is a hope (as Sir Robert Cotton tells me) that a very ancient Greek MS. copy of the Council of Nice, the first of them of that name, is to be had somewhere in Huntingdonshire; I thought it was a piece of news that would be acceptable to your Lordship: he is in chace for it.

The Archbishop had written on this letter;

Sept. 19. Sent him upon this; Annales Latini Saxonici, the Book of Mailros, Forduni Scotichronic. Fragment. Scotic. Annal. ad

In the first parliament that was called at the commencement of the reign of Charles the First, Selden sat as one of the representatives of Great Bedwin, and in the second parliament which the King was constrained by his necessities to call, Selden took an active part in the proceedings for the impeachment of the favourite Buckingham, which the King defeated by dissolving the Parliament.

In 1627 we find him pleading for the discharge from prison of Sir Edward Hampden, one of those patriotic men who had resisted the illegal mode to which the King had resorted for raising supplies. His argument was able and forcible, and though the judges then decided against it, later decisions have shown that it was equally correct.

In the Parliament which assembled in March 1628 he appears to have been again returned for Lancaster, and various committees were appointed to enquire into the public grievances; of one of these, whose business was to enquire into the proceedings adopted respecting the writs of Habeas Corpus moved for in the case of those who had resisted the unconstitutional measure of forced loans under the name of Benevolences, Selden made the report. He also took a distinguished part in the debates on the subject, and established incontrovertibly the illegality of committals without the cause of imprisonment being expressed; the raising money by

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finem Ivonis Carnot. Fragment. Annalium Abb. B. Mariæ Virginis Dublin. Annales Hiberniæ Thomæ Case. The Book of Hoath. Pembrig's Annals MS.

impositions without the consent of the Parliament; and established indisputably the right of Habeas Corpus in every case of imprisonment.*

Four resolutions of the House were passed embodying these opinions; a conference with the Lords was held, which terminated in the production of the memorable Petition of Right, in framing which Selden took an active part.

His speech upon this occasion is a masterly and unanswerable effusion. He had consulted and copied with his own hand all the records which bore upon the question, with unexampled diligence, and with that confidence which can only be inspired by a consciousness of being in the right. He defied the Attorney General to controvert any one of his positions. He laid before the Lords the copies of the records he had made, and they ordered them to be compared with the originals; in the course of this comparison some of them were found deficient or destroyed, and there was an imbecile attempt of the court party through the Earl of Suffolk to implicate Selden; but that Lord afterwards denied that he had used the criminatory expressions which several members had heard him utter; the committee, notwithstanding this denial, requested the Lords to visit

* The speech may be found in the Parliamentary History, vol. vii. p. 415. See also Rushworth's Collections, vol. i. p. 530, and Selden's Works, vol. iii. p. 1958. It has also been given by Mr. Johnson in his "Memoirs of Selden, and notices of the political contests during his time," Lond. 1835, a work to which, together with Dr. Aikin's Life of Selden, I have frequently been indebted for the materials of this sketch.

the Earl with such punishment as he deserved for having brought a most unjust and scandalous charge against Selden.

Two remonstrances were also prepared and presented, one of them against the Duke of Buckingham, as the principal cause of the evils complained of, with a request that he might be removed from authority, from attendance upon the King, and that judgment should be made against him upon his impeachment in the last parliament. The other declared that the impost of tonnage and poundage was no prerogative of the Crown, but was always granted to the King by Parliament. In the discussion and preparation of these, Selden took a prominent part. The King received them with marked impatience, and after the bill of Subsidies was passed he dissolved the Parliament. Selden had been some time previously appointed solicitor and steward to the Earl of Kent, and he now retired to that nobleman's seat, Wrest, in Bedfordshire, where he quietly pursued his literary occupations, which appear to have been at all times to him more congenial than the strife of politics, in which he mixed rather out of a sense of his duty to his country, than from any predilection for a public life. The fruits of his retirement were two treatises "Of the Original of Ecclesiastical Jurisdiction of Tes-, taments," and "Of the Disposition or Administration of Intestates Goods," which may have been suggested to him by discussions in Parliament on the King's right to the property of bastards who die intestate.

Upon the arrival of the Arundelian Marbles in this country, Selden's friend, Sir Robert Cotton, requested

him to examine them, and he entered upon the task with all the enthusiasm of a consummate antiquary; being in the course of his investigations assisted by two eminent scholars, Patrick Young, and Richard James.* He now gave to the world the fruit of his labours under the title of "Marmora Arundeliana, sive Saxa Græca Incisa." The work was dedicated to his companion in his enquiries, Patrick Young, and the preface makes

* [Richard James.] Of this very learned and ingenious man, all that is known will be found appended to the publication of his "Iter Lancastrense," a poem with notes, &c., by the Rev. T. Corser, printed for the Chetham Society in 1845. He was a Fellow of Corpus Christi College, Oxford, and if, as I feel convinced, he was the writer of the noble verses, "On Worthy Master Shakespeare and his Poems," signed J. M. S. which were first printed in the second folio edition of 1632, he well deserves to be enshrined in our memories. He lived in habits of intimacy with Sir Robert Cotton, Selden and Ben Jonson, and the following verses prefixed to a sermon on Psalm xxxvii. 25, may serve as a specimen of his poetical talent, and of his affectionate regard for Selden:

The Author's Preface to his Book.

Go little book and kindly say
Peace and content of night and day
Unto my noble *Selden*.—Greet
His gentle hands, his knees, his feet,
In such fair manner, as not he
Deem any feignedness in me.
Say that thy master oft doth bless
For his kind love God's holiness.
And lest thou hindrance be to aught
That busies his heroic thought;
Say not much more, nor wish reply;
But like the silly larke in sky,
When ended is his cheerful lay,
Warble Adieu! and fall away.

grateful mention of the advantage he had enjoyed in compiling the work, in the quiet retirement of Wrest,* by the favour of the Earl and Countess of Kent. Though, as may well be supposed, not free from faults, rather attributable to the defective state of Epigraphic Science at that time, than to any want of skill in the enquirer, this work is another honourable testimonial of the comprehensive learning and active industry of this extraordinary man.

The Parliament re-assembled on the 20th of January, 1629, and the conduct of the Court since the dissolution had been such as to add to the dissatisfaction of the Commons. Laud, who had been accounted a schismatic and inclined to arbitrary measures, was made Bishop of London, and became the organ of the Court. Montague was made Bishop of Chichester, and Went-

* Otia quibus hæc fere præstitimus imprimis nobis fecit summa Faventia et Benignitas Amplissimi Herois *Henrici Comitis Cantii* et vere Nobilissimæ Heroinæ *Elisabethæ* conjugis ejus. Tranquillus enim secessus, quo *Wrestæ*, quæ eorum villa est in agro Bedfordiensi, tum æstate superiori tum festo Christi natalitio fruebar (liberalissimo scilicet, pro insigni eorum erga me immerentem et perpetuæ bonitate, ibi hospitio exceptus) opportimissimè indulsit, ut urbanis interturbationibus liber, opus incæptum commodissime absolverem."

Lady Kent, who was one of the three daughters and coheiresses of Gilbert Talbot, Earl of Shrewsbury, seems to have been an especial favourer of learning and literature, for we are told that Butler, the author of Hudibras, was among those to whom while living she extended her favours; and it was at her house, his biographer tells us, "he had not only the opportunity to consult all manner of books, but to converse also with that great living library of learning the great Mr. Selden." May we not conjecture that Butler owed this favour to Selden himself?

worth had been seduced to abandon the popular cause and raised to the Peerage. Added to these acts of irritation, the tonnage and poundage had been levied without the consent of the Parliament, and the goods of Mr. Rolls, one of the members, had been seized for resisting the payment of this illegal imposition.

Selden took a very active part in the enquiries which were instituted; he had hitherto expressed himself leniently about the court measures, but his patriotic spirit was now excited, and he indignantly exclaimed, when a plea of mistake in the case of Mr. Rolls was urged: "This is not to be reckoned an error, but is questionless done purposely to affront us, and of this our own lenity is the cause." And when it was suggested that the advisers of the King were most in fault, he said: "If there be any near the King that misinterpret our actions, let the curse light on them, and not on us. I believe it is high time to right ourselves, and until we vindicate ourselves in this it will be in vain for us to sit here."

The violation of the petition of right had shown that the King was not to be trusted, that he had now no regard to the observance of the laws, and the Commons continued to urge strongly their complaints of religious and political grievances; during this session the court party were frequently the aggressors; and at length an attempt was made to control the freedom of the House of Commons, by commanding the Speaker to adjourn it. Sir John Finch, the Speaker, was a mere tool of the court party, and his conduct on this occasion was at once erroneous and pusillanimous; the tumult in the

House was extreme, the Speaker was forcibly detained in the chair until three protestations were read, declaring that whoever caused an innovation of religion, advised the imposition of tonnage and poundage without the assent of Parliament, or whoever voluntarily paid it, if levied without such sanction, would be a capital enemy of his country, and a betrayer of its liberty. The House then adjourned. The King hearing of these proceedings, sent a messenger to command the Sergeant to bring away the mace; the House of course would not allow it. He then sent a summons to them by the Usher of the Black Rod, but he was denied admittance. At last he sent a guard to force the door, but the House had risen before it arrived.

Eight days after, March 10th, 1629, he dissolved the Parliament, addressing only the Lords, and in alluding to the Commons, he said, among them were "some vipers and evil affected persons, who must look for their reward."

Nine of the members of the House, who had been most active on this occasion, were summoned to appear before the Privy Council; Selden was among the number; the seven who appeared were committed to the Tower. The studies of Sir John Eliot, of Denzil Hollis, and of Selden, were sealed up; and the other two members were soon after apprehended and committed to the King's Bench Prison. Nothing can exceed the folly and illegality of the whole of these proceedings, but the baffled despotism pursued its course with the utmost severity; Selden and the other prisoners were not only restricted from intercourse with their friends,

but even denied the use of books and writing materials, for nearly three months. At length Selden obtained permission to use such books as he could obtain from his friends or the booksellers, and he procured the Bible, the two Talmuds, some later Talmudists and Lucian. He says, "also I extorted by entreaty from the Governor (Sir Allan Apsley) the use of pens, ink and paper; but of paper only nineteen sheets which were at hand were allowed, each of which were to be signed with the initials of the Governor, that it might be ascertained easily how much and what I wrote; nor did I dare to use any other. On these, during my prison leisure, I copied many extracts from the above-named books, which extracts I have now in my possession, thus signed and bound together."

It is evident that the court party found that they were in the wrong, and not likely to obtain their object by such measures, and agents were employed to endeavour to prevail upon the prisoners to sue for acquittal; without effect.* The judges had informed the King that as the offences charged against them were not capital, they ought to be admitted to bail on giving security for their good behaviour, and they gave their judgment accordingly on the first day of Michaelmas term. Selden, for himself and for his fellow prisoners, replied that they demanded to be bailed in point of right, and that they could not assent to the finding of sureties for good behaviour without compromising the

* One of the agents sent to the prisoners in the Tower upon this occasion was Dr. Mosely. See § 4 in the article *Clergy* in the Table-talk.

privileges of Parliament. He subsequently observed that the judges were themselves conscious that the prisoners had done nothing that required them to enter into these recognizances, that it would have been conduct unworthy of themselves to have complied, and that they were determined that the just liberty of the English people should not be infringed by their acquiescence.

They were consequently remanded to prison, and Selden, Hollis, Valentine, and Eliot were proceeded against by information in the Court of King's Bench; they excepted to the jurisdiction of the Court, as the offences were alleged to have been committed in Parliament. This plea was overruled, and judgment was finally given, "That they should be imprisoned, and not delivered until they had found security for their good behaviour, and made a submission and acknowledgment of their offences."

The conduct of Selden and his fellow sufferer, Sir John Eliot,* on this occasion was that of heroic martyrs

* Sir John Eliot, not less distinguished for resplendent talents than patriotic ardour, had been previously imprisoned in the Tower for the part he took in the impeachment of the Duke of Buckingham in 1628. The condition of his liberation was now to be a fine of 2000*l.*, and though "warned that the confinement was killing him, he suffered and died with magnanimity. He thought, and wrote, and wept with anxiety for the welfare of his orphan boys, but he resolved to leave them his example, as well as his precepts to excite them to live worthily." The noble house of St. Germains may well be proud of such an illustrious ancestor, and Gibbon (who was related to it) in his own figurative language, might have exhorted the Eliots to consider the conduct of Sir John as "the brightest jewel of their coronet."

to the sacred cause of liberty; a host of friends, among whom were Henry, afterwards Earl of Bath, Robert, Earl of Essex, Sir Robert Cotton and his son Thomas, were ready to be Selden's sureties, and urged him to comply, but these entreaties, and the threats of interminable imprisonment, with which he was menaced even by the Chief Justice, were unavailing; and, though four of the prisoners had compromised with the oppressors, he adhered firmly to his purpose.

While he was yet in prison, a further persecution was contrived in the shape of an information in the Star Chamber, against him and his friend Sir Robert Cotton, and Gilbert Barrell, for intending to raise seditious rumours about the King and his Government, by framing, contriving and writing "a false, seditious and pestilent discourse." This discourse was a jeu d'esprit, written by Sir Robert Dudley (the well known author of the Arcano del Mare). The manuscript of which being in the library of Sir Robert Cotton, and copies being traced to the possession of Selden and Barrell, they, as well as the Earls of Bedford, Somerset, and Clare, were implicated, until it was clearly proved in court to have been written by Dudley. The title was, "A proposition for his Majesty's Service, to bridle the impertinency of Parliament," and it was evidently intended as a satire upon the spirit of the Stuart government by recommending the most absurd system of despotic misrule.*

* There is a copy among the Harleian MSS. to which are appended some particulars of the prosecution, and a further account may be found in Sir Simon D'Ewes's Journal, and in the Gentle-

Notwithstanding the failure to prove the chief charge, instead of honestly acquitting the defendants, the Lord Keeper Coventry told the court that out of the King's grace, and his joy at the birth of a son, he would not proceed to demand sentence, but would pardon them. A base charge was however trumped up against Sir Robert Cotton, that he had records and evidences in his library belonging to the King, and Commissioners were appointed to search his library, and withdraw from it all such. This was a death blow to that excellent person; he is said to have declined in health from that day, and to have frequently declared that they had broken his heart by locking up his library from him without rendering any reason. He died in 1631.

The court, probably weary of a fruitless contest with men who were determined not to surrender their rights, at length found it expedient to relax their angry severity; those who were confined in the Tower were released from close confinement, and allowed such liberty as could be enjoyed within the walls, and were permitted to have free communication with their friends; they were however made to pay for this indulgence, their diet, which had been hitherto at the expense of the state, being stopped.

Selden and Mr. Strode a short time afterward obtained their removal by habeas corpus to the Marshalsea, and though Selden was detained there until May, 1630, he was allowed to go without the walls as often

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man's Magazine, vol. xxxvii. p. 335. It is printed in the first volume of Rushworth.

as he wished; and the plague soon after raging in the neighbourhood of that prison, Selden obtained permission to be removed to the Gatehouse at Westminster, and at length was allowed to visit the Earl of Kent, at Wrest, where he soon recovered his health and spirits.

His retirement was not however long undisturbed; at Michaelmas term the judges complained to the Lord Treasurer of his removal without their concurrence, and he was consequently remanded to his previous place of imprisonment; but in May, 1631, his legal services being required in some law-suits between the Earls of Arundel, Pembroke, Kent and Shrewsbury, the two first named, by their influence, obtained his liberation, when he was only required to give bail for his appearance, and finally in 1634, upon his petition, he was discharged.

Besides the conduct of these suits which related to the succession to some estates and the baronies of Grey and Ruthyn, Selden was retained as counsel for Lord Reay in his charge of treason against David Ramsay, which afterwards gave rise to the curious proceedings in the Earl Marshal's Court for a trial by single combat; but when the day was appointed the King forbade the encounter.*

* I have a curious cotemporary MS. account of these proceedings which bears the following inscription:

"The manner of the proceeding between Donald L. Reay & David Ramsey, Esqr. Their coming to & carriage at their Tryall beginning upon Munday, Novemb. 28. 1631, Before Robt. Earle of Lindsay, L. Constable, & Thomas Earle of Arundell & Surrey, L. Marshall of England, Philip Earle of Pembroke & Montgomery L. Chamberlaine of His Majestie's Household, Edward

While confined in the Marshalsea, Selden employed his time in composing his treatise, "De Successionibus in Bona Defuncti ad Leges Ebræorum," which was first printed in 1634, and an enlarged edition was published in 1636, when an essay on the ecclesiastical polity of the Hebrews, entitled "De Successionibus in Pontificatum Ebræorum," was added, which appears to have been written in his retirement at Wrest, in the summer of 1634. Both works were again printed, with additions, at Leyden, in 1638. Indeed almost all Selden's learned disquisitions were immediately reprinted on the Continent, the editions being sometimes superintended by himself, and sometimes by distinguished continental scholars. These works were dedicated to Archbishop Laud, as a token of gratitude for the assistance he had afforded Selden in obtaining materials for their composition.

The passion for those singular pageants termed Masques, which had distinguished the Court of James, and which had made Wilson describe it as "a continued Maskarado," prevailed no less in that of Charles; these the puritan party considered as "sinful and utterly unlawful to Christians," as Prynne expresses it in his Histriomastix, a large volume levelled against these courtly amusements, in common with all theatrical

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E. of Dorset L. Chamberlaine of the Qu. James Earl of Carlisle E. of Montgrave, Earle of Morten, Viscount Wimbledon, Viscount Wentworth, Viscount Falkeland, and Sir Henry Martin Knight. In the painted chamber neere to the upper house of Parliamt." To which is appended an interesting account of "The waie of Duels before the King."

exhibitions, and it was probably to disclaim any participation in these puritanic views that the four Inns of Court united in exhibiting a masque before the King and Queen, in 1633, the poetry of which was by Ben Jonson, the scenic decorations by Inigo Jones, and Selden assisted Lord Bacon in settling the dresses and devices. Whitelocke had the arrangement of the music, and in his memorials, he has left us an amusing record of its conduct, in which he complacently observes, "It was so performed, that it excelled any previously heard in England. The dances, figures, properties, voices, instruments, songs, airs, composures and actions, passed without any failure; the scenes were most curious and costly." But sic transit, "this earthly pomp and glory, if not vanity, was soon passed and gone as if it had never been."

In the year 1609, Grotius published his "Mare Liberum," maintaining that the sea is a territory open and free to the use of all nations, but obviously intended as a defence of the maritime rights of the Dutch. This incited Selden to the composition of an answer, which he entitled "Mare Clausum," the intention of which may be gathered from its enlarged title thus interpreted: "The Closed Sea; or Two Books concerning the Dominion of the Sea. In the first it is demonstrated that the sea, by the law of nature and of nations, is not common to mankind, but is capable of private dominion, or property, equally with the land. In the second, it is maintained that the King of Great Britain is Lord of the circumfluent sea, as an inseparable and perpetual appendage of the British Empire."

In the summer of 1618, pursuant to the royal command, Selden prepared it for the press, and it was laid before the King, who referred it to Sir Henry Martin, Judge of the Admiralty Court, by whom it was approved. Buckingham sent for Selden, and was about to write the Imprimatur, when suddenly laying down the pen, he said, "The King shall do this with his own hand in honour of the work," and forthwith brought Selden to the royal presence; the Monarch was about to sign, but suddenly remarked: "I recollect something is said here concerning the North Sea which may displease my brother of Denmark, whom I would not now offend, because I owe him a large sum of money, and intend shortly to borrow a larger." Selden was accordingly ordered to alter this passage, but on returning with his manuscript, found it so difficult to obtain an audience that he withdrew. The work was laid aside until the year 1635, when the Dutch having monopolised the Northern Fishery, and their right to take herrings on our shores being disputed, the work of Grotius and some other publications issued from the Elzevir press in defence of their claim. Selden's work was mentioned to King Charles, and he commanded its publication after a revisal by the author, and a previous examination by the King and some of his ministers. The following minute of Privy Council will show how satisfactory and important the work was considered: "His Majesty, this day in council, taking into consideration a book lately published by John Selden, Esq. entitled 'Mare Clausum, seu Dominio Maris,' written at the King's command, which he hath done with great

industry, learning, and judgment, and hath asserted the right of the Crown of England to the dominion of the British Seas; the King requires one of the said books to be kept in the Council chest, another in the Court of Exchequer, and a third in the Court of Admiralty, as faithful and strong evidence to the dominion of the British Seas."

The Mare Clausum was translated into English by Marchmont Needham, and published in 1652, with an appendix of additional documents by President Bradshaw, and an improved version by J. H. was again printed in 1663.

We have but little recorded of Selden's occupations from 1635 to 1640; these years were most probably occupied by literary and forensic employments, of which, researches into legal antiquities formed at least a part, for his treatise "De Jure Naturali et Gentium juxta disciplinam Ebræorum" was published in the latter year.

The series of arbitrary and oppressive acts of misgovernment which mark this period, may be found recorded in the pages of Clarendon, of Whitelocke, of Rushworth, and Franklyn, the facts being the same though viewed in different lights according to the prejudices of the writer. The oppressions of the Council Board and of the Star Chamber; the iniquitous mock trials of Prynne, Burton, and Bastwick, and the still more iniquitous punishments with which they were visited: the persecution of Bishop Williams, who had been Lord Keeper, for daring to oppose the plans of Laud and Buckingham; but above all, the active en-

deavours to subjugate the religious opinions of the people, and the illegal attempts at raising supplies, are some of the distinguishing features of these times, when arbitrary attempts were made to govern without a parliament.

Baffled in all his endeavours to replenish his exchequer, the King was at length constrained to summon a parliament, which met in April, 1640; but of this Selden was not a member, and indeed it was dissolved at the end of three weeks, though represented by Clarendon as "exceedingly disposed to please the King and do him service." And the same historian expresses his opinion of the evil consequences of these frequent and abrupt dissolutions, as measures unreasonable, unskilful, and precipitate. The King and his people parting at these seasons with no other respect and charity one towards the other, than persons who never meant to meet but in their own defence; and he laments the traitorous councils that fomented this mutual mistrust. He tells us that within an hour after the dissolution, he met Oliver St. John, who, though usually taciturn and melancholy, was now smiling and communicative, saying that "he foresaw that the progress of events was all well; that affairs must be worse before they were better; that the parliament just terminated would never have done what was necessary."

The same arbitrary and illegal course continued, ship-money was levied with severity, forced loans exacted, proposals were made to debase the currency, and the Government even had recourse to the swindling practice of purchasing goods on credit and selling them

at a loss for ready money. The war which had been recommenced to coerce the Scottish people did not prosper, the King's army was more disposed to join the Scots than to draw their swords in his service, and defeat was the consequence.

Thus circumstanced, the King was constrained to summon another parliament, which met on the 3rd of November; of which it has been said, "that many thought it would never have a beginning, and afterward that it would never have ended." The memorable acts of this Long Parliament, many of which entitle it to the gratitude of the country, will be familiar to every reader of our history.

Selden's high reputation at this period is evinced by his being unanimously chosen as representative for the University of Oxford, and no stronger proof can be given that he was regarded by the King's party as not unfriendly to the cause of Monarchy. Indeed the moderate course he pursued had been so far mistaken, that Laud had declared that he would bring him over: Noy and Wentworth had been successfully tampered with, and it was presumed that one who had been their companion was not made of sterner stuff.

On the first day of the meeting of this Parliament, Selden was nominated one of the committee to attend to the petitions against the Earl Marshal's Court, which had been promoted by Hyde, and which terminated in its abolishment.

He was also appointed one of the committee of twenty-four, appointed to draw up a declaration or remonstrance on the state of the nation, and this paper

which contained a full and energetic exposure of grievances, gave occasion to Hyde to announce his desertion to the Court party, by publishing a reply to it; and henceforth Selden was separated from his friend in the public path of politics, though, to the credit of both, their friendship remained unaltered, and Hyde on all occasions stood forth in defence of Selden's conscientious conduct.

It appears that Selden was included by the House in the list of those who were designed to be Strafford's accusers, and his name occurs in all the committees appointed to search for precedents, and other preliminary arrangements, but he was not one of those appointed to conduct the prosecution; from which circumstance it has been presumed that, in his judgment, the evidence against this unfortunate nobleman was never satisfactory. Franklyn expressly says that Lord Digby and Selden were convinced by the Earl's defence, and left the prosecution when the Bill of Attainder was introduced. They were in the minority of 59 who voted against it, and were honoured by the rabble with the epithets of Straffordians and betrayers of their country.

Selden's name is found in the lists of various committees at this time, and especially on those appointed to examine into the illegal proceedings in the exchequer respecting ship-money; and upon the treaty with the Scotch at Ripon; and on the appointment of a *Custos Regni* during the King's absence in Scotland.

But his most prominent position was the part he took when the state of the Established Church was

brought before the House. In the declaration of grievances, those relating to religion and ecclesiastical affairs were chief features, and now met with earnest attention. The clergy, as Selden himself remarks, were never more learned; no man taxed them with ignorance, but they had worse faults. They were too inattentive to their religious duties, and interfered too much with political affairs.

During the suspension of parliaments, a convocation of the clergy had drawn up new canons and ordinances, and the House now appointed a committee, of which Selden was a member, to enquire into these matters. Clarendon justly observes that "The convocation made canons, which it thought it might do; and gave subsidies out of parliament, and enjoined oaths, which certainly it might not do: in a word did many things which in the best of times might have been questioned, and therefore were sure to be questioned in the worst, and drew the same prejudice upon the whole body of the clergy, to which before only some few clergymen were exposed."

While some from political, and others from theological motives were bent upon overthrowing the Church Establishment, Selden pursued that temperate course which shows that he was friendly to its doctrines and discipline, and only an enemy to the abuse of ecclesiastical power in whatever hands it may be placed.

The members of the Convocation, and especially the prelates, were justly alarmed at the proposed enquiry, and a letter from Laud to Selden on this occasion, written in an humble and imploratory strain, evinces

the terror excited from the consciousness of having exercised with little moderation the powers with which an arbitrary Government had invested them.

Upon the presentation of a remonstrance to Parliament from certain sectarian ministers respecting church government, Rushworth has preserved to us a curious specimen of the kind of logomachy* which sometimes took place. Selden had protested against the discussion of religious topics in the House, and the debate proceeded upon the right of bishops to suspend the inferior clergy from the performance of their ministerial duties. In opposition to this Sir Harbottle Grimstone employed the following logic: "That Bishops are *Jure divino* is a question; that Archbishops are not *Jure divino* is out of question. Now, that Bishops who are questioned whether *Jure divino*, or Archbishops, who out of question are not *Jure divino*, should suspend Ministers that are *Jure divino*, I leave to be considered."

To which Selden replied with great pleasantry and dialectic skill: "That the convocation is *Jure divino* is a question; that parliaments are not *Jure divino* is out

* Upon one occasion an Alderman (probably Pennington) said, "Mr. Speaker, there are so many clamours against such and such of the Prelates, that we shall never be quiet till we have no more Bishops." Upon this Selden rose and desired the House to observe, "what grievous complaints there were for high misdemeanours, against such and such of the Aldermen; and therefore, by a parity of reason, it is my humble motion that we have no more Aldermen."

L'Estrange's Reflections upon Poggius's Fable of a Priest and Epiphany, part i. 364.

of question; that religion is *Jure divino* there is no question. Now, Sir, that the convocation, which is questionable whether *Jure divino*, and parliaments, which out of question are not *Jure divino*, should meddle with religion, which, questionless is *Jure divino*, I leave to your consideration!"

Sir Harbottle, pursuing his argument, observed, "that Archbishops are not Bishops." To which Selden rejoined, "that is no otherwise true than that judges are no lawyers, and aldermen no citizens."

Dr. Aikin has observed, that "Selden well knew there was a standing committee of religion in parliament, and that the ecclesiastical discipline and government, if not the doctrines of the Church, were regarded by a large party as proper subjects of parliamentary discussion, and that therefore this was mere dialectical fencing."

A declaration against Episcopacy was read in the House on the 31st January, 1641, and though Selden used all his learning and reasoning to defeat it, his opposition was vain, for the Bishops were deprived of their seats in parliament, and the clergy proscribed from holding any civil office, early in the following month. The abolition of Episcopacy followed, which was finally voted in September, 1642, as Selden had foretold.

Though now so actively engaged in the great political struggle, Selden seems to have still found time for his favourite literary pursuits, and one of his most elaborate works was published in 1640. This was the treatise, "De Jure Naturali et Gentium juxta discipli-

nam Ebræorum." The design is supposed to have been suggested by the celebrated work of Grotius, "De Jure Belli et Pacis," but its subject and method are totally different, and its motto, from Lucretius: "*Loca nullius ante trita solo, &c.*" claims for its subject the merit of entire novelty. It is without a dedication, a circumstance which indicates the dubious complexion of the time of its appearance, but the preface presents an analysis of the work, which the variety of its matter, and intricacy of its arrangement rendered highly necessary. "It was Selden's professed object to exhibit Jewish law as laid down by the Jewish writers themselves, he was therefore constrained in some measure to follow their method, and it cannot be denied that he has made his work a valuable repertory of all that history or tradition has preserved concerning the Hebrew institutions, before and after the Mosaic dispensation. In that view it has been much commended, both at home and abroad, and it made a large addition to the reputation he already possessed for indefatigable industry and profound erudition. An abridgment was published by Buddeus, at Halle, in 1695."*

Milton has incidentally given his opinion of this work and its author, in his "Areopagitica," addressed to the Parliament, which it may not be uninteresting to annex. "Bad meals will scarce breed good nourishment in the healthiest concoction: but herein the difference is of bad books, that they to a discreet and judicious reader serve in many respects to discover, to

* Aikin's Life of Selden, p. 111.

confute, to forewarn, to illustrate, whereof what better witness can ye expect I should produce than one of your own now sitting in parliament, the chief of learned men reputed in this land, Mr. Selden, whose volume of natural and national laws proves, not only by great authorities brought together, but by exquisite reasons, and theorems almost mathematically demonstrative, that all opinions, yea errors, known, read, and collated are of main service and assistance toward the speedy attainment of what is truest." The allusion is to the first chapter of Selden's work, where he has thought it necessary to accumulate a mass of authority in justification of publishing to the world a variety of different and contradictory opinions. Milton has also mentioned Selden's work with high eulogy in his "Doctrine and Discipline of Divorce," chap. 22.

Selden's name appears among those members of the House of Commons, who signed a protestation in May, 1641, that they would maintain the protestant religion according to the doctrine of the Church of England, and would defend the person and authority of the King, the privileges of parliament and the rights of the subject. In this protestation almost the whole House concurred, and it was probably only intended to obviate any charge of unconstitutional intentions.*

The reader need not now be told that Selden was in politics ever inclined to moderation, and that leagued with a few true lovers of their country, not less deserving of, though less known to fame than those who figure

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* Aikin, p. 113.

prominently in its annals, he pursued a temperate and thoughtful course, as a legislator and a patriot. It was at the lodgings of Pym and of Selden that the leaders of the moderate party met to arrange the course to be pursued in Parliament, as the more violent opposers of the Government met in a similar manner at the houses of Cromwell, Haselrigge, and Oliver St. John.

With these moderate views, Selden was enabled sometimes to restrain the violence occasionally offered to the legal course of justice, and when it was once proposed that the pay of some officers suspected of plotting against the Parliament should cease,* he reminded the House that as there was no judgment or charge passed against them, they could not have incurred a forfeiture.

The advantage which the King's affairs would have gained from the influence of the party to which Selden belonged, was defeated by the ill-advised impeachments of the five members, for alleged offences committed by them in their places as members of Parliament, and by the subsequent attempt to seize them, which must be familiar to the reader of our annals. By this flagrant breach of the privilege of Parliament, and the violent and illegal procedure which marked it, a spirit was roused which gave an ascendancy to the more violent opposition-ists. A committee was appointed to sit within the precincts of London protected by a guard of citizens, to decide upon the remonstrances and reports of sub-com-

* An account of this transaction may be found in a letter of Secretary Nicholas to Charles I. printed in Evelyn's Memoirs, vol. v. pp. 11-12, and in the Parl. Hist. ix. 531. Johnson's Mem. of Selden, p. 268.

mittees; to one of which Selden was nominated, to whom was deputed the examination of the violation of the privileges and the framing a petition to the King.

A proclamation directing the apprehension of the five members was drawn up by order of Charles, which the Lord Keeper Lyttleton refused to seal; it was however placed upon Whitehall Gate, but was suppressed by order of Parliament in a few days.

Charles had now removed to York, and from thence, Lord Clarendon relates, "sent an order to the Lord Falkland, to require the seal from the Lord Keeper, though he was not resolved to what hand to commit it." The Lord Chief Justice Banks and Selden were mentioned by him to Culpepper and Hyde, whose opinion he required. Banks was not thought equal to the charge in times of such turbulence, and "they did not doubt Mr. Selden's affection to the King, but they knew him so well that they concluded he would absolutely refuse the place if it was offered to him. He was in years, and of tender constitution; he had long enjoyed his ease, which he loved; was rich, and would not have made a journey to York, or have lain out of his own bed for any preferment, which he had never affected." *

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* The following letter given from the Harding MSS. in the Biogr. Brittan. fully confirms Lord Clarendon's opinion. Selden was always opposed to the King's friends being absent from Parliament, v. Table Talk, the King, § 8:

Mr. Selden to the Marquis of Hertford.

My Lord,

I received from his most excellent Majesty a command for my waiting on him at York, and he is most graciously pleased to say

The Parliament seem to have obtained information of this overture, for on the 4th of February, a peremptory order was issued for Mr. Selden and others to attend within three days at farthest, and to continue their service at the House.* Dr. Aikin has justly observed "that if principle can be inferred from actions, it could scarcely be expected that Selden was prepared to quit the parliamentary party, in whose measures he had for the most part concurred, and join the royalists, whom he had opposed." And in the struggle which ensued between the King and the Parliament respecting the Militia, and the Commission of Array, the part he took makes it evident that his principles were far from wavering.

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that I should make as much haste as my health will permit. I have been for many weeks, my Lord, very ill, and am still so infirm that I have not so much as any hope of being able to travel, much less such a journey. Yet, if that were all, I would willingly venture any loss of myself rather than not perform my duty to his Majesty. But if I were able to come, I call God to witness, I have no apprehension of any possibility of doing his Majesty service there. On the other side, it is most probable, or rather apparent that a member of the House of Commons, and of my condition, by coming thither, might thereby soon be a cause of some very sensible disturbance; by this name I call whatsoever will at this time (as this would) doubtless occasion some further or other difference betwixt his Majesty and that House. My legal and humble affections to his Majesty and his service are, and shall be, as great and as hearty as any man's, and therefore, when I am able I shall really express them. But I beseech your Lordship be pleased, upon what I have represented, to preserve me from his Majesty's displeasure, which I hope too from his most excellent goodness towards me. Your Lordship's great and continued favours to me embolden me to make this suit, which granted will be a singular happiness to

Your Lordship's, &c.

* Journal of the H. of C. ii. 955.

Lord Clarendon's account of his conduct on this occasion will make this evident; he says, "Mr. Selden had in the debate upon the Commission of Array in the House of Commons, declared himself very positively and with much sharpness against it, as a thing expressly without any authority of law, the statute upon which it was grounded being, as he said, repealed; and discoursed very much on the ill consequences which might result from submitting to it. He answered the arguments which had been used to support it; and easily prevailed with the House not to like a proceeding which they knew was intended to do them hurt, and to lessen their authority. But his authority and reputation prevailed much farther than the House, and begat a prejudice against it in many well affected men without doors. When the King was informed of it, he was much troubled, having looked upon Mr. Selden as well disposed to his service; and the Lord Falkland, with his Majesty's leave, writ a friendly letter to Mr. Selden, to know the reason why in such a conjuncture he would oppose the submission to the Commission of Array, which nobody could deny to have its original from law, and which many learned men still believed to be very legal, to make way for the establishment of an ordinance which had no manner of pretence to right? He answered this letter very frankly, as a man who believed himself in the right upon the Commission of Array, and that the arguments he had used against it could not be answered; summing up those arguments in as few words as they could be comprehended in. But there he did as frankly inveigh against the Ordinance for the Militia, which he said 'was without a shadow of law or pre-

tence of precedent, and most destructive to the government of the kingdom :' and he did acknowledge, 'that he had been the more inclined to make that discourse in the House against the Commission, that he might with the more freedom argue against the Ordinance: and was most confident that he should likewise overthrow the Ordinance, which he confessed, could be less supported; and he did believe it would be much better if both were rejected, than if either of them should stand and remain uncontrouled.' But his confidence deceived him; and he quickly found that they who suffered themselves to be entirely governed by his reason, when those conclusions resulted from it which contributed to their own designs, would not be at all guided by it, or submit to it, when it persuaded that which contradicted and would disappoint those designs. And so, upon the day appointed for the debate of their ordinance, when he applied all his faculties to the convincing them of the illegality and monstrousness of it, by arguments at least as clear and demonstrable as his former had been, they made no impression upon them, but were easily answered by those who with most passion insisted upon their own sense."*

Whitelocke says "that Selden and divers other gentlemen of great parts and interest, accepted commissions of lieutenancy, and continued their service in Parliament." If Selden did accept a deputy lieutenancy, he was certainly not personally active in the office, for other occupations detained him in London. He was one of a committee formed on the 23rd of May, for raising volunteers for an

* Clarendon's Hist. v. i. p. 517, fol. ed.

expedition to Ireland, and on June 2nd, in a committee to frame an ordinance for augmenting the navy. He had strenuously opposed an appeal to arms, and all measures which tended to it, but when from the conduct of the King it became inevitable, there was no inconsistency in aiding the exertions of the party he had conscientiously espoused.

The controversy which had arisen about the comparative merits and claims of episcopal and presbyterian government in the Church, and which had been agitated by Petau and Saumaise and other learned continental writers, in England interested all, where episcopalian and presbyterian were almost other names for royalists and parliamentarian, and in his researches into antiquity, Selden had been naturally led to this subject of dispute. A celebrated passage in Jerome mentions that in the Church of Alexandria, from its first foundation to nearly the close of the second century, the presbyters always elected a bishop among themselves by their own authority. Of this fact a remarkable confirmation exists in the account of the antiquities of the Alexandrian Church, contained in the Annals of the patriarch Eutychius, or Said Ibn Batrick, who flourished in the earlier part of the xth century. Of these Annals, which were written in the Arabic language, and had not been translated, Selden procured two MS. copies from which he now published an extract.* The part relat-

* The title runs thus: Eutychii Ægyptii, Patriarchæ orthodoxorum Alexandrini, Scriptoris, ut in Oriente admodum vetusti et illustris, ita in Occidente tum paucissimis visi, tum perraro

ing to the controversy is a statement that the evangelist Mark, having converted and baptized one Hannanius, a shoemaker of Alexandria, constituted him patriarch of that city, and appointed eleven other persons to be presbyters, with the injunction that when the patriarchate should become vacant, they should choose one of their number, and consecrate him patriarch by the imposition of their hands, at the same time electing a person to fill his place in the presbytery: so that there should always be 12 presbyters, the patriarch being reckoned as one; and that this mode continued in practice to the time of the Patriarch Alexander, who directed that thenceforth on the decease of a patriarch, a new one should be ordained by an assembly of bishops.*

The publication of this piece involved Selden in hostilities with the zealous advocates of Episcopacy, both Protestant and Roman Catholic; but the English episcopalian party do not then appear to have entered into the controversy, they had too much already upon their hands in contending with their more formidable adversary the parliament.†

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auditi, Ecclesiæ suæ origines. Ex ejusdem Arabico nunc primum Typis edidit ac Versione et commentario auxit Joannes Seldenus.

The whole Annals of Eutychius were subsequently translated by Dr. Pococke, at Selden's instance: and he provided funds for the publication; but they did not appear until after his death in 1658.

* Aikin's Life of Selden, p. 123, et seq.

† It was the cause of truth rather than of presbyterianism which incited Selden to this publication, for in many parts of his other works he expressly favours episcopacy. And it is remarkable enough that Pococke did not much affect the task of trans-

The calm and dispassionate moderation of Selden and the resistance he occasionally offered to violent measures, caused some of the popular leaders to hold him in suspicion. When the plot for introducing the royal forces into London, and disarming the Militia was discovered, and Waller, the poet, (a principal conspirator,) was examined before the House, he was asked whether Selden, Whitelocke and others named were acquainted with the design. To which he replied, "that they were not, but that he did come one evening to Selden's study, where Whitelocke and Pierpoint then were with Selden, on purpose to impart it to them all; and speaking of such a thing in general terms, these gentlemen did so inveigh against any such thing as treachery and baseness, and that which might be the occasion of shedding

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lation, being an Episcopalian. The authority of Eutychius has been since much invalidated by Morinus, Renaudot, Hammond, Walton, and Pearson. See Twell's Life of Pococke, p. 216-17. Ed. 1816. Selden probably caused it to be published, because it favoured his own opinion that the government of the Church, as much as the government of the rest of the state, is subject to the will of the legislature. See the article "Bishops out of Parliament" in the Table Talk. Provost Baillie and Baxter represent Selden as the head of the *Erastians*, i. e. of those who consider the Church to be part of the civil polity of a state: they were so named after Thomas Erastus, a Swiss physician, who was for restraining the ecclesiastical power from all temporal jurisdiction. The title of his work, which is exceedingly rare, is "Explicatio Gravissimæ Quæstionis utrum Excommunicatio, quatenùs Religionem intelligentes et amplexantes, à Sacramentorum usu, propter admissum facinus arcet; mandato nitatur Divino, an excogitata sit ab hominibus." 4to. Pesclavii, 1589. Selden has manifested in several places of the Table Talk, and elsewhere, his acquaintance with this volume.

much blood, that he durst not for the respect he had for Selden and the rest, communicate any of the particulars to them, but was almost disheartened himself to proceed in it." *

In June, 1643, an ordinance was made for assembling a synod of divines† and laymen at Henry VII. chapel in Westminster "to settle the government and liturgy of the Church of England." Among the lay members were Selden and Whitelocke, and we are told by the latter that "Selden spoke admirably and confuted them in their own learning, and sometimes when they had cited a text of scripture to prove their assertion, he would tell them 'perhaps in your little pocket bibles with gilt leaves, (which they would often pull out and read) the translation may be thus, but the Greek or Hebrew signifies thus and thus,' and so would silence them."

Baillie, Principal of the University of Glasgow, one

* Whitelocke's Mem. p. 66.

† The Assembly of Divines consisted of 10 peers, 20 members of the House of Commons, about 20 episcopal divines, and 100 other persons, most of which were presbyterians, a few independents, and some to represent the Kirk of Scotland. Few of the episcopal divines ever attended, and those who did soon left them. Clarendon says, "Except these few episcopal divines the rest were all declared enemies to the Church of England; some of them infamous in their lives and conversation; most of them of very mean parts in learning, if not of scandalous ignorance, and of no other reputation than of malice to the Church of England." Baxter, on the contrary, says, They were men of eminent learning, godliness, ministerial abilities, and fidelity, and that as far as he was able to judge, the Christian world since the days of the Apostles, had never a synod of more excellent divines, than this synod and the synod of Dort.

of the Scotch deputies to this assembly, has graphically described it, and tells us that "those who speak harangue long and learnedly. I do marvel at the very accurate replies that many of them usually make."* Sermons, prayer and fasting were part of their ordinary discipline, and the same writer gives us the account of a day which he designates "spending from nine to five very graciously."—"After Dr. Twisse, (the prolocutor) had begun with a short prayer, Mr. Marshall prayed large two hours. After, Mr. Arrowsmith preached an hour, then a psalm; thereafter Mr. Vines prayed nearly two hours, and Mr. Palmer preached an hour, and Mr. Seaman prayed near two hours, then a psalm; after, Mr. Henderson preached, and Dr. Twisse closed with a short prayer and blessing."

But their patient perseverance in devotion did not unfit them for convivial enjoyment when it offered. At an entertainment given by the Corporation of London, to the two Houses of Parliament and the assembly, at Taylor's Hall, in January, 1644, Baillie informs us "the feast was very great, valued at 4000*l.* sterling, yet we had no desert, nor music, but drums and trumpets. All was concluded with a psalm, whereof Dr. Burgess read the line! There was no excess in any we heard of. The Speaker of the House of Commons drank to the Lords in the name of all the Commons of England. The Lords stood up every one with his glass, for they represent none but themselves, and drank to the Commons."

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* Baillie's Letters and Journals, i. 369.

In such fantastic forms did the prevalent religious enthusiasm manifest itself, and some it rendered insane; many were doubtless sincere well-meaning men, but the garb of fanaticism was assumed by many profligate worthless wretches. The title of puritan is said to have been sarcastically given in allusion to the superlative innocency and spirituality which the chief of them professed, but it was first applied about the year 1559 to those who sought to purify the worship and discipline of the Church from what they conceived to be relics of Papistry. It was the fashion of the time to wear the hair in flowing locks, but the puritans "cut their hair so close that it would scarce cover their ears; many cut it quite close round their heads with so many little peaks that it was something ridiculous to behold," and this acquired them the name of Roundheads. Mrs. Hutchinson says "that though her husband acted with the Puritan party, they would not allow him to be religious, because his hair was not in their cut."* Selden is reported to have said "he trusted he was not either mad enough or foolish enough to deserve the name of Puritan." He was certainly no friend to the synod.†

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* Memoirs of Col. Hutchinson, p. 100.

† Sir John Birkenhead in his "Assembly Man" says, "What opinion the learned Mr. Selden had of them, appears from the following account: The House of Parliament once made a question, whether they had best admit Archbishop Usher to the Assembly of divines? He said they had as good enquire, whether they had best admit Inigo Jones, the King's Architect, to the company of mouse-trap makers:" and again, "Mr. Selden visits the Assembly, as Persians used, to see wild asses fight: when the Commons have tired him with their new law, these brethren

The jure divino question lasted 30 days, the Erastians did not except against a presbyterial government as a political institution proper to be established by the civil magistrate, but they were decidedly against the claim of a *divine right*. Selden with the rest was of this mind, apprehending that presbytery would prove as arbitrary and tyrannical as prelacy if it came in with a *divine claim*.

Among the few episcopalians nominated members of the assembly was Selden's early friend the learned and liberal Archbishop Usher; their intimacy commenced in the year 1609, when Usher, then Professor of Divinity at Trinity College, Dublin, was in London purchasing books for its library. Usher not only declined to take part in the proceedings of the assembly, as it was constituted, but maintained by all means in his power the reasonableness of the established form of Church Government. Having preached against the authority and purpose of the synod, he drew down upon himself the

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refresh him with their mad gospel: They lately were gravelled betwixt Jerusalem and Jericho, they knew not the distance between those two places; one cried 20 miles, another ten. It was concluded seven for this reason, that fish was brought from Jericho to Jerusalem-market: Mr. Selden smiled and said, perhaps the fish was salt fish, and so stopped their mouths."

Cleveland, in a poem entitled "The mixt Assembly," thus alludes to Selden's superiority over those with whom he had to contend in this Synod:

> Thus every Ghibelline has got his Guelf:
> But Selden he's a Galliard by himself;
> And well may be; there's more Divines in him,
> Than in all this their Jewish Sanhedrim.

displeasure of the Parliament, an ordinance was made for the confiscation of his library, then in Chelsea College, and it would have been sold and dispersed had not Selden obtained permission for Dr. Featly, a member of the synod, to purchase it as if for his own use for a trifling sum. In June, 1646, he performed another act of kindness to his venerable friend, who was called before a board of examiners at Westminster, and required to take the negative oath which was imposed upon all who had been adherents of the King. Usher desired time to consider of it, and being dismissed for that time, he was spared the necessity of a second appearance, by the exertions of Selden and his other parliamentary friends, who obtained permission for him to retire into the country.

By a vote of the House, November 8, 1643, Selden was appointed Keeper of the Records in the Tower; an office for which he was peculiarly fitted, and which probably furnished him with an excuse for gradually withdrawing from the political vortex, where he found himself almost alone in his position as a moderator. Yet upon important occasions he was still to be found at his post as long as he thought he could be useful. We are not informed how long he retained the office of Keeper of the Records, but it was probably resigned on the passing of the Self-denying Ordinance in 1645.

In February, 1645-6, he subscribed the solemn league and covenant; he had used his best endeavours to preserve the monarchical form of government, and a moderate episcopacy, but it was now evident that the cause of both was lost, and the train of events which

had precipitated the fall of both, had probably shown him that further resistance was vain.

The attainder and trial of Archbishop Laud now took place, and Selden appears to have taken no part in that transaction; yet, when the parliamentary Commissioners had seized upon the Archbishop's Endowment of the Arabick Professorship at Oxford, he exerted himself to obtain its restitution, which he ultimately effected about the middle of 1647.

In 1644 he printed his chronological work, "De Anno Civili Veteris Ecclesiæ, seu Republicæ Judaicæ, Dissertatio," in which are discussed all the points relative to the Jewish Calendar, derived from the Talmudists or traditional writers of the Jewish Church, and displaying the author's usual profundity of erudition. The preface points out the importance of the enquiry to the right understanding of the scriptures and the necessity of resorting to these sources of elucidation.

In April, 1645, a committee of six Lords and twelve Commoners being appointed to conduct the business of the Admiralty, Selden was nominated one of the commissioners; but before they entered upon the duties of their office, the plan was altered, probably in consequence of the passing of the Self-denying Ordinance, and three commissioners selected from the whole number were invested with the power. Selden was not one of the three named.

In May of this year, the House of Commons entered an order on their journals "for Mr. Selden to bring in an Ordinance for regulating the Herald's office, and the Heraldry of the Kingdom," and upon a debate on an

ordinance for discharging the wardship of the heirs of Sir Christopher Wray, who had died in the service of the Parliament, the abuses and oppressions incident to wardships were so forcibly pointed out by Selden, Maynard, St. John, Whitelocke, and other lawyers, that it gave rise to an order for the abolition of the Court of Wards and its feudal appendages. The vote was passed by the Commons, sanctioned by the Lords, and ordered to be printed in the course of one day.

Upon the death of Dr. Eden, master of Trinity Hall, in Cambridge, in August, 1645, Selden was unanimously chosen to succeed him, with such universal approbation as added much to the honour conferred by the choice. Selden declined the charge as he had all other honourable charges that sought his acceptance. He was now in years, was rich, he loved his literary leisure, and he was connected with the sister university; these may be conceived sufficient motives for the refusal of an honour which few men would have declined. But though he declined this intimate connection with the University of Cambridge, he was ever ready to do it similar services to those he had rendered to Oxford. Dr. Bancroft had left his library to his successors in the See of Canterbury on condition that his successor should give security that he would leave it entire and without diminution to the next Archbishop in succession; but in case of refusal to give such security, he bequeathed it to Chelsea College, then building, if that building should be finished within six years after his decease. If this did not occur, his library was to go to the University of Cambridge. The order of Bishops being abolished, and

Chelsea College abandoned, Selden suggested to the University that their right to the books had arisen on the contingent remainder. It consequently petitioned the Upper House, and Selden pleaded for them so successfully that the University obtained an order not only for Dr. Bancroft's books, but for those of his successor, Archbishop Abbot. They were however re-claimed for Lambeth by Archbishop Juxon, after the restoration, still Selden's interference had prevented their dispersion, and preserved them for their original destination.

D'Israeli has remarked that the republicans of England, like those of France in the next century, were infected with a hatred of literature and the arts; he asserts that the burning of the Records in the Tower was certainly proposed; and that a speech of Selden's put a stop to these incendiaries.*

The same fanatic spirit placed the Universities in danger of abolition, or at any rate of spoliation and restriction. Bradshaw proposed an immediate visitation for this purpose, and Selden successfully objected to the injustice of such a proceeding, before the University had provided itself with legal assistance; and in order to be of more effectual use, he obtained in 1647 the appointment of one of the Parliamentary Visitors of the University of Oxford.

A letter from Dr. Gerard Langbaine, provost of Queen's College, expresses the warmest gratitude of the University for this interposition in its favour. "We are all abundantly satisfied in your unwearied care and

* Curiosities of Literature, 2nd series, iii. 446.

passionate endeavours for our preservation. We know and confess,

———Si Pergama dextra
Defendi poterant, etiam hac defensa fuissent.

Of this we are confident, that (next under God's) it must be imputed to your extraordinary providence that we have stood thus long: you have been the only *belli mora*, and

Quicquid apud nostræ cessatum est mœnia Trojæ,
Hectoris,

I cannot add Æneæque, for you had no second,

———manu victoria Graium
Hæsit———

By your good acts, and prudent manage, our six-months hath been spun unto two years, and it hath been thus far verified upon us, by your means, *nec capti potuere capi.*"*

In 1646, Selden gave to the world one of the most curious and interesting of his works, entitled, "Uxor Ebraica; seu de Nuptiis et Divortiis ex Jure Civili, id est, Divino et Talmudico, veterum Ebræorum, Libri tres."

Having in his former work on Jewish natural and international law, treated of everything relating to the Hebrew matrimonial regulations that came under those two heads, in this work he completed his subject, adding all that relates to it from what he terms their civil law,

* Leland's Collectanea, by Hearne, v. 282. Three other letters, written in Latin to him in the name of his *Alma mater*, are preserved by Dr. Wilkins, and also two letters from the University of Cambridge, thanking him for his services.

that is, the matrimonial rites and ceremonies, customs and institutions proper to their nation, and derived from the Levitical law, or from the ancient ordinances of their rulers. He adds what he calls the stupendous doctrines of the Karaites respecting incest; and incidental notices of the modes of contracting and dissolving marriages among Pagans, Mahomedans, and Christians in the East and West, which have been either derived from Jewish customs or appear to resemble them.*

In 1647, he published from a MS. in the Cotton library, the valuable old law treatise entitled "Fleta," so named from being compiled by its anonymous author while confined in the Fleet prison, most probably in the reign of Edward I. It is divided into six books; the first treating of pleas of the crown; the second gives a full and curious account of the royal household, &c. illustrative of the history of those times, and the remaining books contain the practice of the courts of judicature, the forms of writs, explanations of law-terms and the like.

Selden's preface contains many curious particulars relating to the early writers on the laws of England, Bracton, Britton, Fleta, and Thornton, and of the use which was made of the Imperial and Justinian Codes in England.

A vote passed the House of Commons in 1646-7, awarding to Selden, and several others of his political associates during the reign of arbitrary power, the sum

* Aikin's Life of Selden, 138.

of five thousand pounds each "for their sufferings for opposing the illegalities of that time." Wood reports that some say Selden refused this grant, and said that he could not out of conscience take it; but Walker in his History of Independency, says that Selden received half the money voted to him; and on the Journals of the House there are two entries ordering payment of the moieties on the 11th of May, and 11th of November, 1647. Selden, in a pecuniary point of view, certainly did not want this recompense, and probably did not receive the second payment, for as Wood's authority observes, "his mind was as great as his learning, full of generosity, and harbouring nothing that seemed base."

One of the last acts of Selden's political life was connected with the last effort to effect a reconciliation between the King and the Parliament, in which he had doubtless taken an active and earnest part. On the 11th of December, Selden went up with a message to the Lords from the Commons, desiring their consent to four bills; concerning the management of the army and navy; for justifying the proceedings of parliament in the late war; concerning the peerage; and the adjournment of both houses; which were to be presented to his majesty for his assent. And when the Scotch Commissioners desired that these bills might be communicated to them, Selden again appeared at the bar of the House of Lords with two resolutions, vindicating, from such interference, the independence of Parliament.

But now perceiving that all was hopeless, that a military despotism and the King's ruin were inevitable,

he however unwilling, withdrew to those studies which had ever occupied all the leisure he could command; yet in 1649, still solicitous for the interests of learning, a vote being passed for the preservation of the books and medals in the palace of St. James's, he persuaded his friend Whitelocke to accept the office, in order to prevent their being pillaged or dispersed.

It is said that when the Eikon Basilike appeared, its influence in winning favour to the royal cause was so much feared, that an answer to it was deemed highly essential, and that Cromwell, more than once, instigated him both personally, and by his friends, to undertake the task, which he unhesitatingly declined; and it was eventually replied to by Milton in his "Iconoclastes," his republican principles making him not averse to it.

In 1650, he sent to the press the first part of a work which he had written above twelve years before, but kept by him to correct and enlarge. This was his ample treatise "De Synedriis et Prefecturis Juridicis Veterum Ebræorum." It was intended to comprise everything recorded relating to the Sanhedrim or Juridical Courts of the Jews both before and after the promulgation of the Mosaic law, with collateral notices of similar institutions in modern times and countries. In this first part he considers largely the subject of excommunication, or the penal interdiction by ecclesiastical authority of participation in sacred rites, a power to the assumption of which he had already shown himself a decided adversary.

His preface almost entirely relates to this subject; a peculiarly interesting one at the time, and the following

passage is remarkable. Speaking of the divine right of excommunication claimed by different churches, he says, "This claim has not a few assertors, as well Romanists as Nonromanist Episcopalians, and Presbyterians, which latter insist upon it much more positively, and carry it much farther in their own favour; for after having, in their manner, inveighed against this power in papal and episcopal hands, they have, as it were, cut it into shreds, and portioned it out among themselves, with a vast accession from that authority, which they so confidently attribute to their own order."

The first book brings the subject down to the giving of the law at Mount Sinai. It was followed three years afterward by a second book, comprising the judicial history of the Jews to the destruction of the Temple. A third, which proposed to treat of the great Sanhedrim was left incomplete, and was not printed till after his death.*

In 1652, he contributed a preface to the collection of ten monkish historians known as the *Scriptores post Bedam;* he was not the editor, but communicated some collations of MSS. from the Cotton library, and occasionally looked over the proof sheets. In his preface he endeavours to prove that the history of Simeon Dunelmensis was really composed by Turgot, Prior of the Monastery of Durham, and Bishop of St. Andrew's; Simeon's claim has been however reasserted by Thomas Rudd, Keeper of the Durham Library. Selden incidentally gives some account of the Keledie or Culdees

* Aikin's Life of Selden, pp. 146-7-8.

of Scotland, who long afforded an example of presbyterial ordination, without the intervention of a bishop.

The last of his writings was a defence of himself, respecting the composition of the "Mare Clausum," against Theodore Graswinckel, a Dutch Jurist, who in an answer to Burgus on the Dominion of the Genoese Sea, had mentioned Selden and his motives for composing the Mare Clausum in terms highly offensive to our illustrious countryman. It is dated from his house in Whitefriars, May 1, 1653, and is chiefly valuable for the particulars it affords of some of the events of his life, especially relating to his different imprisonments. The motto indicates the keen feelings from which it sprang:

"Contumeliam nec fortis potest, nec ingenuus pati."

The infirmities of age now began to gain ground upon him, and he became sensible that his end was approaching; on the 10th of November, 1654, he addressed the following short note to his friend Whitelocke, then Keeper of the Great Seal:

My Lord,

I am a most humble suitor to your Lordship that you would be pleased that I might have your presence for a little time to-morrow, or next day. Thus much wearies the most weak hand and body of

Your Lordship's most humble servant,

J. Selden.

Nov. 10, 1654, Whitefryars.

These were probably the last lines he wrote. White-

locke "went to him and was advised with about settling his estate and altering his will, and to be one of his executors; but his weakness so increased, that his intentions were prevented." He died on the last day of November, 1654; within 16 days of the completion of his 70th year. According to Aubrey the disease which terminated his existence was dropsy. Death seems to have approached him without its terrors,* for his life had been well spent, and he had virtuously and conscientiously aimed at the welfare of his country, and the promulgation of truth.

A short time before his death, it is related, he sent one afternoon for his friends Archbishop Usher, and Dr. Langbaine, and upon that occasion uttered these memorable words: "That he had surveyed most parts of the learning that was among the sons of men; that he had his study full of books and papers of most subjects in the world; yet at that time he could not recollect any passage out of those infinite books and manuscripts he was master of, wherein he could rest his soul, save out of the Holy Scriptures; wherein the most remarkable passage that lay most upon his spirit was Titus ii. 11, 12, 13, 14, 15."† The import of these verses is obe-

* Aubrey tells us that he had his funeral scutcheons prepared some months before he died.

† I have quoted this anecdote from Bishop Lloyd's "Fair Warnings to a Careless World," 1682, p. 140. It is repeated in a work attributed to George, Earl of Berkley, entitled "Historical Applications, and occasional meditations upon several subjects;" the first edition of which was printed in 1670. But we learn from the preface to Lloyd's book, that part of it was printed in 1655, both at London and York, and that the edition of 1682 was en-

dience to the commands of God, and faith in the redeeming sacrifice of our Saviour. Truths which Selden therefore regarded as the essence of the Christian revelation; these had probably been the rule and guide of his life; content with the religion of the Bible, and disgusted with the fanatic spirit of sectarian bigotry, contentious about unessential points of doctrine, and hurling damnation upon those who differed from them in the most immaterial particulars.

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larged and published at a pious person's (Dr. T.'s) earnest request. In the margin of "Fair Warnings" we have the following note: "From Doctor Usher's mouth, whom he desired to preach at his funeral, and to give him the sacraments; at the celebration whereof a great scholar, as it is commonly reported, coming in, stared, saying, 'I thought Selden had more learning, judgment, and spirit, than to stoop to obsolete forms.'" It is prefaced too, thus: "Master Selden who had comprehended all the learning and knowledge that is either among the Jews, Heathens, or Christians; and suspected by many of too little regard for religion, one afternoon before he died, &c." Later editions of the "Fair Warnings" were given, probably by a bookseller's fraud, under the name of Dr. Woodward. A gossiping story is told by Aubrey, that "when Selden was near death; the Minister (Mr. Johnson) was coming to assoile him: Mr. Hobbes happened to be there; say'd he, 'What, will you that have wrote like a man, now die like a woman?' So the minister was not let in." This silly story has probably the same vague origin as that of Lloyd, in which the great scholar is perhaps meant to designate Hobbes.

That Selden was a believer in Christianity cannot be doubted; Baxter, his cotemporary, whose veracity cannot be doubted, says, "The Hobbians and other infidels would have persuaded the world that Selden was of their mind, but Sir Matthew Hale, his intimate friend and executor, assured me that Selden was an earnest professor of the Christian faith, and so angry an adversary to Hobbes, that he hath rated him out of the room."—*Baxter's Diary, by Silvester*, pt. 3, p. 48.

He had himself prepared an epitaph in Latin, which is interesting as it records his estimate of his own character; Dr. Aikin has given us the following version of it: after mentioning his admission to the Society of the Inner Temple, it proceeds thus: "He applied himself to the studies of the place neither remissly nor unsuccessfully; but indulging his natural disposition, and little fitted for the bustle of courts, he betook himself to other studies as an enquirer. He was happy in friendships with some of the best, most learned, and illustrious of each order; but not without the heavy enmity of some intemperate adversaries of truth and genuine liberty; under which he severely but manfully suffered. He served as burgess in several parliaments, both in those which had a King, and which had none."*

Aubrey thus records the last honours paid to his mortal remains: "On Thursday the 14th day of Decr. he was magnificently buryed in the Temple Church. His Executors invited all the parliament men, all the benchers, and great officers. All the Judges had mourning, as also an abundance of persons of quality. His grave was about 10 foot deepe or better; walled up a good way with bricks, of which also the bottome was paved, but the sides at the bottome for about two foot high were of black polished marble, wherein his coffin (covered with black bayes) lyeth, and upon that wall of marble was presently let downe a huge black

* Marchmont Needham, making mention of this epitaph in his Mercurius Politicus, says, "it was well he did it, for no man else could do it for him."

marble stone of great thicknesse, with this inscription:

Hic jacet Corpus Johannis Seldeni qui obiit
30 die Novembris, 1654.

Over this was turned an arch of brick, (for the house would not lose their ground,) and upon that was throwne the earth, &c. and on the surface lieth another faire grave stone of black marble with this inscription:

I. Seldenvs I. C. heic situs est.

There is a coate of arms on the flat marble, but it is indeed that of his mother, for he had none of his owne, though he so well deserved it. 'Tis strange (me thinke) that he would not have one."

A mural monument to his memory was subsequently placed in the circular part of the Church.

His friend Archbishop Usher, at the request of his executors, preached his funeral sermon, and among the eulogies which according to custom it contained, he said, "that he looked upon the deceased as so great a scholar, that himselfe was scarce worthy to carry his books after him."

The Master of the Temple (Richard Johnson) read the burial service according to the form of the New Directory, and added at the close, "if learning could have kept a man alive, this our brother had not died."

In person Selden was tall, being in height about six feet, his face was thin and oval, and the whole head not very large. His nose was long, and inclining to one side. His eyes were grey, and full and prominent.

He kept a plentiful table, which was never without the society of learned guests. Though himself tem-

perate in eating and drinking, he was accustomed to say jocularly, "I will keep myself warm and moist as long as I live, for I shall be cold and dry when I am dead."* His intimate friend Whitelocke says, "His mind was as great as his learning: he was as hospitable and generous as any man, and as good company to those whom he liked." Dr. Wilkins tells us that he could occasionally assume an ungracious austerity of countenance and manners, and this, as Dr. Aikin justly observes, "is not extraordinary and may be easily pardoned, for the persecutions he had undergone, and the weighty concerns in which he was engaged, joined to a naturally serious disposition, would be likely to produce that effect. In a period of civil discord, levity ought to give more offence to a thinking man than severity; and it is a mark rather of an unfeeling than of a kind disposition, to appear easy and cheerful while friends and country are exposed to the most lamentable distress."†

His generosity was not confined to his convivial hours. Meric Casaubon was relieved by him with a considerable sum in time of need. He subscribed largely to the publication of Walton's Polyglot. He was the patron of Kelly when pursuing his antiquarian travels, and of Ashmole and Farington the antiquarians. He had detected the merits of Hale while yet a stripling, and continued, though much his senior, his unwavering friend.‡

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* Aubrey. † Aikin's Life of Selden, p. 161.
‡ Johnson's Memoirs of Selden, p. 353.

It could not be expected that, immersed as he was in business and serious studies, he should always be ready to receive visitors. When called upon by strangers, Aubrey says, "he had a slight stuff or silk kind of false carpet to cast over the table where he read and his papers lay, so that he needed not to displace his books or papers." And we are told by Colomies, that when Isaac Vossius was sometime ascending his staircase to pay him a visit, when he was engaged in some deep research, Selden would call out to him from the top that he was not at leisure for conversation.

After the death of the Earl of Kent in 1639, Selden appears to have been domesticated with his widow both at Wrest in Bedfordshire, and White Friars in London. Elizabeth, Countess dowager of Kent, was daughter and coheir of Gilbert Talbot, Earl of Shrewsbury, and was eminent for her piety and virtue. Aubrey tells us that Selden "was married to the Countess, but never owned the marriage till after her death, upon some law account. He never kept any servant peculiar, but my lady's were all at his command; he lived with her in Ædibus Carmeliticis (White Friars), which was, before the conflagration, a noble dwelling."

The same gossiping authority tells us, "he would write sometimes, when notions came into his head, to preserve them, under his barber's hands. When he died his barber said, he had a great mind to know his will, for, said he, 'I never knew a wise man make a wise will.'"

When Lady Kent died, in 1651, she appointed Selden her executor, bequeathed to him the Friary House in

White Friars, and it is thought that he derived from her the chief part of the considerable property he possessed, which at his death was estimated at 40,000*l.*

He told his intimate friend, Sir Bennet Hoskyns, that "he had no body to make his heir, except it were a milkmaid, and that such people did not know what to do with a great estate."*

We consequently find that he bequeathed to each of his nieces and nephews one hundred pounds, and to various other persons small legacies as tokens of his regard, and the remainder of his fortune to his four executors. These were Lord Chief Justice Hale, Chief Justice Vaughan, Rowland Jukes, and Edward Heywood, Esquires. He left the plate and a diamond hatband, which had belonged to the Earls of Kent, to Mr. Grey Longueville, as a heirloom, he being nephew to the last Earl.

It had been his original intention to leave his library to the University of Oxford, but having taken umbrage at being required to give security for the safe return of a manuscript in the Bodleian Library, of which he desired the loan, he expunged the bequest,† and left the

* Aubrey; who adds as a memorandum: "Bishop Grostest of Lincoln, told his brother, who asked him to make him a great man; 'Brother,' said he, 'if your plough is broken, I'll pay the mending of it; or if an ox is dead, I'll pay for another; but a ploughman I found you, and a ploughman I'll leave you."

† It must be confessed that he seems to have taken offence unreasonably, for it appears that the University had made a special regulation in his favour, that he might have any three books from the library at a time, upon giving a bond that they should be returned within a year.

whole, with the exception of some Arabic works on medicine given to the College of Physicians, to the disposal of his executors. He desired them "rather to part the books among themselves, or otherwise dispose of them, for some public use, than put them to any common sale," and suggested "some convenient library, public, or of some college in one of the Universities."

His executors considering themselves "as the executors not of his anger but his will," after selecting some of the books, and offering them to the benchers of the Inner Temple, as the foundation of a law library, presented the remainder together with his museum to the University of Oxford, according to their original destination. And as the benchers of the Inner Temple delayed to provide a place of deposit for the books, the whole collection, comprising more than 8000 volumes, were conveyed to Oxford, one of the terms of the gift being that they should be for ever kept together, and in a distinct body, with the title of, Mr. Selden's Library. The Books arrived in September, 1659, and are preserved in a separate apartment of the Bodleian Library. In opening some of them, several pairs of spectacles were found, which Selden must have put in and forgotten where he had placed them.

The marbles had arrived in the previous June, and were finally arranged in one of the schools. An inscription in front of the Divinity school, testified the gratitude of the academical body for these donations.

One of his biographers has very truly said, "There can scarcely be a less disputable mark of integrity and

worthiness in an individual than his succeeding in securing the 'golden opinions' of parties opposed to each other in contending for the same object, and concerning which object that individual is known by them to differ from them both. Now of all contentions, history affords uniform testimony that none are so jealous and implacable as those in which are involved the religious opinions and the temporal pre-eminence of the disputants. Mingling in such contentions, Selden passed his life a prominent actor in them all, and yet so moderate, consistent, and talented was his course, that although occasionally supporting and opposing each, the extremes of the conflicting parties looked up to him and sought the aid of his abilities."*

His literary merit was liberally acknowledged by those continental scholars best able to appreciate it; Grotius, Salmasius Bochart, G. Vossius, Gronovius and Daniel Heinsius are a few among the distinguished list of his encomiasts, and though his works are probably little read at the present day, because the additions he made to the stock of learning have been made available by more modern writers and compilers, he must ever be accounted one of the chief literary ornaments of this country, nor has perhaps Europe produced a scholar of more profound and varied erudition.†

His parliamentary character has been thus ably

* Johnson's Memoirs of Selden, p. 342.

† "John Selden wrote the History of Friar Bacon in Latin, and communicating it to Sir Kenelm Digby to have it printed at Paris, he embezzled or lost it." So Mr. Joyner, Antony à Wood additions to his Athen. Oxon. MS.

sketched by an anonymous writer.* "Selden was a member of the long parliament, and took an active and useful part in many important discussions and transactions. He appears to have been regarded somewhat in the light of a valuable piece of national property, like a museum, or great public library, resorted to, as a matter of course, and a matter of right, in all the numerous cases in which assistance was wanted from any part of the whole compass of legal and historical learning. He appeared in the national council not so much the representative of the contemporary inhabitants of a particular city, as of all the people of all past ages; concerning whom, and whose institutions, he was deemed to know whatever was to be known, and to be able to furnish whatever, within so vast a retrospect, was of a nature to give light and authority in the decision of questions arising in a doubtful and hazardous state of the national affairs."

But, as Mr. Seward says, "after all, the most endearing part of Selden's character is elegantly touched by himself in the choice of his motto:"

Περὶ παντὸς τὴν ἐλευθερίαν

LIBERTY ABOVE ALL THINGS.

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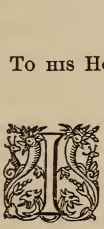
* It appeared in some periodical to which I have lost the reference.

The following Commendatory Verses are subjoined, not so much for their merit as to afford confirmatory evidence of the high Esteem in which Selden *was held by his Cotemporaries.*

BEN JONSON

To his Honor'd Friend Mr. John Selden,

Health.



KNOW to whom I write: Here I am sure,
Though I be short, I cannot be obscure.
Less shall I for the art or dressing care
Since, naked, best *Truth* and the *Graces* are.
Your Booke, my Selden, I have read, and much
Was trusted, that you thought my judgment such
To ask it: though, in most of works, it be
A penance,—where a man may not be free,—
Rather than Office. When it doth, or may
Chance, that the Friend's affection proves allay
Unto the censure. Yours all need doth fly
Of this so vicious humanity:
Than which, there is not unto *Studie*' a more
Pernicious Enemy. We see, before
A many' of Books, even good judgments wound
Themselves, through favouring that, is there not found;
But I to yours, far from this fault, shall do;
Not fly the crime, but the suspicion too:

Though I confess (as every muse hath err'd,
And mine not least) I have too oft preferr'd
Men past their terms; and prais'd some names too much,
But 'twas with purpose to have made them such.
Since, being deceiv'd, I turn a sharper eye
Upon myself, and ask to whom, and why,
And what I write? and vex it many days
Before men get a verse, much less a praise;
So that my reader is assured, I now
Mean what I speak, and still will keep that vow.
Stand forth my object, then. You that have been
Ever at home, yet have all countries seen;
And like a compass, keeping one foot still
Upon your centre, do your circle fill
Of general knowledge; watch'd men, manners too,
Heard what times past have said, seen what ours do!
Which grace shall I make love to first? your skill
Or faith in things? or is't your wealth and will
T' inform and teach? or your unwearied pain
Of gathering? bounty in pouring out again?
What fables have you vex'd, what truth redeem'd,
Antiquities search'd, opinions disesteem'd,
Impostures branded, and authorities urg'd!
What blots and errors have you watched and purg'd
Records and Authors of! how rectified
Times, manners, customs! innovations spied!
Sought out the fountains, sources, creeks, paths, ways,
And noted the beginnings and decays!
Where is that nominal mark, or real rite,
Form, act, or ensign, that hath 'scaped your sight?
How are traditions there examin'd! how
Conjectures retriev'd! and a story now
And then of times (besides the bare condúct
Of what it tells us) weav'd in to instruct!
I wonder'd at the richness, but am lost,
To see the workmanship so exceed the cost!
To mark the excellent seasoning of your style
And manly elocution! not one while

With horror rough, then rioting with wit;
But to the subject still the colours fit,
In sharpness of all search, wisdom choice,
Newness of sense, antiquity of voice!
I yield, I yield. The matter of your praise
Flows in upon me, and I cannot raise
A bank against it; nothing but the round
Large clasp of Nature such a wit can bound.
Monarch in letters! 'mongst the Titles shown
Of others honors, thus enjoy thy own.
I first salute thee so; and gratulate
With that thy style, thy keeping of thy state;
In offering this thy work to no great name,
That would perhaps, have prais'd and thank'd the same,
But nought beyond. He, thou hast given it to,
Thy learned chamber-fellow, knows to do
It true respects: he will not only love,
Embrace, and cherish; but he can approve
And estimate thy pains, as having wrought
In the same mines of knowledge, and thence bought
Humanity enough to be a friend,
And strength to be a champion, and defend
Thy gift 'gainst envy. O how I do count
Among my comings in, and see it mount,
The gain of two such friendships! Heyward and
Selden! two names that so much understand!
On whom I could take up, and ne'er abuse
The credit, that would furnish a tenth muse!
But here's no time nor place my wealth to tell,
You both are modest. So am I. Farewell.

On the Death of the Learned Mr. JOHN SELDEN.

O fell the sacred Sybill, when of old
Inspir'd with more than mortal breast could hold,
The gazing multitude stood doubtful by
Whether to call it Death or Extasie:
She silent lies, and now the Nations find
No Oracles but the Leaves she left behind.

Monarch of Time and Arts, who travell'dst o'er
New worlds of knowledge, undescried before,
And hast on everlasting columns writ,
The utmost bounds of Learning and of Wit.
Had'st thou been more like us, or we like thee,
We might add something to thy memory.
Now thy own Tongues must speak thee, and thy praise
Be from those Monuments thyself did'st raise;
And all those Titles* thou did'st once display,
Must yield thee Titles greater far than they.

Time which had wings till now, and was not known
To have a Being but by being gone,
You did arrest his motion, and have lent
A way to make him fixed and permanent;
Whilst by your labours Ages past appear,
And all at once we view a Plato's year.

Actions and Fables were retriev'd by you,
All that was done, and what was not done too.
Which in your breast did comprehended lye
As in the bosom of Eternity;

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* Titles of Honour.

You purg'd Records and Authors* from their rust,
And sifted Pearls out of Rabbinick dust.
By you the Syrian Gods† do live and grow
To be Immortal, since you made them so.
Inscriptions, Medals, Statues‡ look fresh still,
Taking new brass and marble from your quill;
Which so unravels time, that now we do
Live our own Age, and our Forefathers' too,
And thus enlarg'd, by your discoveries, can
Make that an ell, which Nature made a span.

If then we judge, that to preserve the State
Of things, is every moment to create,
The World's thus half your creature, whilst it stands
Rescued to memory by your learned Hands.
And unto you, now fearless of decay,
Times past owe more than Times to come can pay.

How might you claim your Country's just applause,
When you stood square and upright as your cause
In doubtful times, nor ever would forego
Fair Truth and Right, whose bounds you best did know.

You in the Tower did stand another Tower,
Firm to yourself and us, whilst jealous power
Your very soul imprison'd, that no thought
By books might enter, nor by pen get out;
And stripp'd of all besides, left you confined
To the one volume of your own vast Mind;
There Virtue and strict Honor past the guard,
Your only friends that could not be debarr'd;
And dwelt in your retirement; arm'd with these
You stood forth more than Admiral of our Seas;
Your Hands enclosed the Wat'ry Plains,§ and thus
Was no less Fence to them, than they to us;

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* Eadmerus. Fleta.
† De Diis Syris.
‡ Marmora Arundeliana.
§ Mare Clausum.

Teaching our Ships to conquer, while each fight
Is but a Comment on those books you write.

No foul disgraces, nor the worst of things
Made you like him (whose Anger Homer sings)
Slack in your Country's Quarrel, who adore,
Their Champion now, their Martyr heretofore:
Still with yourself contending, whether you
Could bravelier suffer, or could bravelier do.
We ask not now for Ancestors, nor care
Tho' *Selden* do no kindred boast, nor Heir,
Such worth best stands alone, and joys to be
To th' self at once both Founder and Posterity.
As when old Nilus who with bounteous flows
Waters an hundred Nations as he goes,
Scattering rich Harvests keep his Sacred Head
Amongst the Clouds still undiscovered.

Be it now thy Oxford's Pride, that having gone
Through East and West, no Art, nor Tongue unknown;
Laden with Spoils thou hang'st thy Arms up here,
But set'st thy great Example every where.

Thus when thy Monument shall itself lie dead,
And thy own Epitaph* no more be read,
When all thy Statues shall be worn out so,
That even Selden should not Selden know;
Ages to come shall in thy Virtue share:
He that dies well makes all the world his Heir.

R. Bathurst, T. Co. Oxon.

Decembr. 19, 54. Dryden's Miscellanies, Part iii. 44.

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* His Epitaph, made by himself, in the Temple Church.

To the profoundly Learned and unparallel'd Antiquary,

JOHN SELDEN, ESQUIRE.

THOU living Library, the admiration
Of this our *Borean* Clime, who know'st each Nation
Their Customs trivial, or authenticall,
All which thou hast narrated with such skill,
That more than Camden's all admire thy Quill,
Scaliger's but a Pupil unto thee,
(The very Basis of Antiquitie)
Sufficient characters to expresse all things
Thou hast, nor need'st thou Metaphorick wings:
For all the Earth is thine, a Caspian sea
Thou art, and all Brookes sally into thee,
But like the Ocean, thou giv'st back far more
To those clear springs, than thou receiv'st before.
From thee true living Wisdome doth proceed,
Thou hast the art of Eloquence indeed.
What bold presumption it is then in me
To dedicate my Epigrams to thee,
Yet so I dare to do, that all may know
I wish the censure of the rigid'st brow.

Epigrams, Theological, Philosophical, and Romantick, &c. by S. Shepard, Lond. Pr. by G. D. for Thomas Bucknell at the Signe of the Golden Lion in Duck Lane. P. 170.

The following verses by *Dr. Gerard Langbaine* are placed under Selden's portrait.

Talem se ore tulit, quem gens non barbara quævis
Quantovis pretio mallet habere suum.
Qualis ab ingenio, vel quantus ab arte, loquentur
Dique ipsi et lapides, si taceant homines.

TO THE HONOURABLE

MR. JUSTICE HALES,

ONE OF THE JUDGES OF THE

COMMON PLEAS.

AND TO THE MUCH HONOURED

EDWARD HEYWOOD, JOHN VAUGHAN, AND

ROWLAND JEWKS, ESQS.*

Most worthy Gentlemen,

WERE you not Executors to that Person, who (while he liv'd) was the Glory of the Nation, yet I am Confident anything of his would find Acceptance with you; and truly the

* Milward, or the transcriber, has made strange work with the names prefixed to this Dedication. "Mr. Justice Hales" is, of course, *Sir Matthew Hale;* and as he ceased to be one of the judges of the Common Pleas on the death of Cromwell in 1658, the Table Talk must, therefore, have been prepared for publication soon after Selden's death, although it remained in MS. until 1699, nine years after that of the compiler. "Heywood," should be *Heyward*, Selden's early friend. "Vaughan" was afterwards Chief Justice of the Common Pleas.

Sense and Notion here is wholly his, and most of the Words. I had the opportunity to hear his Discourse twenty Years together; and lest all those Excellent things that usually fell from him might be lost, some of them from time to time I faithfully committed to Writing, which here digested into this Method, I humbly present to your Hands. You will quickly perceive them to be his by the familiar Illustrations wherewith they are set off, and in which way you know he was so happy, that, with a marvellous delight to those that heard him, he would presently convey the highest Points of Religion, and the most important Affairs of State, to an ordinary apprehension.

In reading be pleased to distinguish Times, and in your Fancy carry along with you, the *When* and the *Why* many of these things were spoken; this will give them the more Life, and the smarter Relish. 'Tis possible the Entertainment you find in them, may render you the more inclinable to pardon the Presumption of

Your most Obliged and

most Humble Servant

Ri. Milward.

TABLE-TALK.

Table-Talk:

BEING THE

DISCOURSES

OF

John Selden, Esq.

Being His *Sense* of various *Matters* of Weight and high Consequence; relating especially to

RELIGION and STATE.

Distingue Tempora.

LONDON:
Printed for E. SMITH, in the Year
M DC LXXXIX.

THE DISCOURSES OF JOHN SELDEN, ESQ.

Abbeys, Priories, &c.

THE unwillingness of the Monks to part with their Land, will fall out to be just nothing, because they are yielded up to the King by a Supreme Hand, (*viz.*) a Parliament. If a King conquer another Country, the People are loath to lose their Lands; yet no Divine will deny but the King may give them to whom he please. If a Parliament make a Law concerning Leather, or any other Commodity, you and I, for Example are Parliament-Men; perhaps in respect to our own private Interests, we are against it; yet the major part conclude it; we are then involved, and the Law is good.

2. When the Founders of Abbeys laid a Curse upon those that should take away those Lands, I would fain know what Power they had to curse me. 'Tis not the Curses that come from the Poor, or from any Body,

that hurt me, because they come from them, but because I do something ill against them that deserves God should curse me for it. On the other side, 'tis not a Man's blessing me that makes me blessed; he only declares me to be so; and if I do well I shall be blessed, whether any bless me or not.

3. At the time of Dissolution, they were tender in taking from the Abbots and Priors their Lands and their Houses, till they surrounded them (as most of them did). Indeed the Prior of St. *John's*,* Sir *Richard Weston*, being a stout Man, got into *France*, and stood out a whole Year, at last submitted, and the King took in that Priory also, to which the Temple belonged, and many other Houses in *England*. They did not then cry no Abbots, no Priors, as we do now, No Bishops, no Bishops.

4. *Henry* the Fifth put away the Friars, Aliens, and seized to himself 100,000*l.* a Year; and therefore they were not the Protestants only that took away Church Lands.

5. In Queen *Elizabeth's* time, when all the Abbies were pulled down, all good Works defaced, then the

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* *St. John's of Jerusalem at Clerkenwell*, founded 1100, endowed with the revenues of the English Knights Templars, 1323. The Prior ranked as first Baron of England. The last Prior, Sir R. Weston, retired on a pension of 1000*l.* a year, but died of a broken heart on Ascension day, 1540; the day the Priory was suppressed. The Church and the House remained entire during Henry the Eighth's reign; he kept his hunting tents and toils in them. But in Edward the Sixth's time the Church was blown up with gunpowder, by order of Somerset, and the stones carried to build his house in the Strand.

Preachers must cry up Justification by Faith, not by good Works.

Articles.

THE nine and thirty Articles are much another thing in *Latin*, (in which tongue they were made) than they are translated into *English*. They were made at three several Convocations, and confirmed by Act of Parliament six or seven times after. There is a Secret concerning them: Of late Ministers have subscribed to all of them; but by Act of Parliament that confirmed them, they ought only to subscribe to those Articles which contain matter of Faith, and the Doctrine of the Sacraments, as appears by the first Subscriptions.* But Bishop *Bancroft* (in the Convocation held in King *James's* days) he began it, that Ministers should subscribe to three things, to the King's Supremacy, to the Common Prayer, and to the Thirty-nine Articles. Many of them do not contain matter of Faith. Is it matter of Faith how the Church should be governed? Whether Infants should be baptized? Whether we have any Property in our Goods? *&c.*

Baptism.

'TWAS a good way to persuade Men to be christened, to tell them that they had a Foulness about them, *viz.* Original Sin, that could not be washed away but by Baptism.

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* See Blackburne's Confessional, page 5, and 368, and Lamb's Historical Account of the Thirty-nine Articles. Camb. 1829, 4to. page 32.

2. The Baptising of Children with us, does only prepare a Child against he comes to be a Man, to understand what Christianity means. In the Church of *Rome*, it has this Effect, it frees Children from Hell. They say they go into *Limbus Infantum*. It succeeds Circumcision, and we are sure the Child understood nothing of that at eight Days old; why then may not we as reasonably baptise a Child at that Age? In *England* of late years I ever thought the Parson baptised his own Fingers rather than the Child.

3. In the Primitive Times they had God-fathers to see the Children brought up in the Christian Religion, because many times, when the Father was a Christian, the Mother was not, and sometimes, when the Mother was a Christian, the Father was not; and therefore they made choice of two or more that were Christians to see their Children brought up in that Faith.

Bastard.

THIS said the XXIII. of *Deuteron.* 2. [*A Bastard shall not enter into the Congregation of the Lord, even to the tenth Generation.*] *Non ingredietur in Ecclesiam Domini*, he shall not enter into the Church. The meaning of the Phrase is, he shall not marry a *Jewish* Woman. But upon this grossly mistaken, a Bastard at this Day in the Church of *Rome*, without a Dispensation, cannot take Orders: the thing haply well enough where 'tis so settled; but that 'tis upon a Mistake, (the Place having no reference to the Church,) appears plainly by what follows at the third Verse: [*An Ammonite or Moabite shall not*

enter into the Congregation of the Lord, even to the tenth Generation.] Now you know with the *Jews* an *Ammonite* or a *Moabite* could never be a Priest, because their Priests were born so, not made.

Bible, Scripture.

THIS a great Question how we know Scripture to be Scripture, whether by the Church, or by Man's private Spirit. Let me ask you how I know any thing? how I know this Carpet to be green? First, because somebody told me it was green; that you call the Church in your Way. Then after I have been told it is green, when I see that Colour again, I know it to be green; my own eyes tell me it is green; that you call the private Spirit.

2. The *English* Translation of the Bible is the best Translation in the World, and renders the Sense of the Original best, taking in for the *English* Translation, the Bishops' Bible* as well as King *James's*. The

* 1. The Bishops' Bible, begun soon after Elizabeth's accession to the throne, by Archbishop Parker and eight Bishops, besides others. It was published in 1568 with a preface by Parker.

2. King James's. Begun in 1607, published in 1611: 47 of the most learned men in the nation employed on it. There is no book so translated, i.e. so peculiarly translated, considering the purpose it was meant for—General reading.

Many impressions of English Bibles printed at Amsterdam, and more at Edinburgh, in Scotland, were daily brought over hither and sold here. Little their volumes, and low their prices, as being of bad paper, worse print, little margin, yet greater than the care of the corrector—many abominable errata being passed therein. Take one instance for all. Jerem. iv. 17:

Translation in King *James's* time took an excellent way. That Part of the Bible was given to him who was most excellent in such a Tongue, (as the *Apocrypha* to *Andrew Downs*); and then they met together, and one read the Translation, the rest holding in their Hands some Bible, either of the learned Tongues, or *French*, *Spanish*, *Italian*, etc. if they found any Fault, they spoke, if not he read on.

3. There is no Book so translated as the Bible for the purpose. If I translate a *French* Book into *English*, I turn it into *English* Phrase, not into *French English*. [*Il fait froid*] I say 'tis cold, not, it makes cold; but the Bible is rather translated into *English* Words than into *English* Phrase. The *Hebraisms* are kept, and the Phrase of that Language is kept: As for Example, [He uncovered her Shame] which is well enough, so long as Scholars have to do with it; but when it comes among the Common People, Lord, what Gear do they make of it!

4. *Scrutamini Scripturas.* These two Words have undone the World. Because Christ spake it to his Disciples, therefore we must all, Men, Women and Children, read and interpret the Scripture.

5. *Henry* the Eighth made a Law, that all Men might read the Scripture, except Servants; but no Woman, except Ladies and Gentlewomen, who had Leisure and

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speaking of the whole commonwealth of Judah, instead of "Because she hath been rebellious against me, saith the Lord," it is printed (Edinb. 1637.) "Because she hath been *religious* against me."

might ask somebody the Meaning. The Law was repealed in *Edward* the Sixth's Days.

6. Lay-men have best interpreted the hard places in the Bible, such as *Johannes Picus, Scaliger, Grotius, Salmasius, Heinsius,* &c.

7. If you ask which of *Erasmus, Beza,* or *Grotius* did best upon the New Testament, 'tis an idle Question: For they all did well in their Way. *Erasmus* broke down the first Brick, *Beza* added many things, and *Grotius* added much to him; in whom we have either something new, or something heightened that was said before, and so 'twas necessary to have them all three.

8. The Text serves only to guess by; we must satisfy ourselves fully out of the Authors that lived about those times.

9. In interpreting the Scripture, many do as if a Man should see one have ten Pounds, which he reckoned by 1, 2, 3, 4, 5, 6, 7, 8, 9, 10: meaning four was but four Units, and five five Units, *&c.* and that he had in all but ten Pounds: the other that sees him, takes not the Figures together as he doth, but picks here and there, and thereupon reports, that he hath five Pounds in one Bag, and six Pounds in another Bag, and nine Pounds in another Bag, *&c.*, when as in truth he hath but ten Pounds in all. So we pick out a Text, here and there, to make it serve our turn; whereas if we take it altogether, and considered what went before and what followed after, we should find it meant no such thing.

10. Make no more Allegories in Scripture than needs must. The Fathers were too frequent in them; they, indeed, before they fully understood the literal Sense,

looked out for an Allegory. The Folly whereof you may conceive thus: Here at the first sight appears to me in my Window a Glass and a Book; I take it for granted 'tis a Glass and a Book; thereupon, I go about to tell you what they signify: afterwards upon nearer view, they prove no such thing; one is a Box made like a Book, the other is a Picture made like a Glass: where's now my Allegory?

11. When Men meddle with the literal Text, the Question is, where they should stop. In this Case, a Man must venture his Discretion, and do his best to satisfy himself and others in those Places where he doubts; for although we call the Scripture the Word of God (as it is), yet it was writ by a Man, a mercenary Man, whose Copy, either might be false, or he might make it false. For Example, here were a thousand Bibles printed in *England* with the Text thus, [*Thou shalt commit Adultery*] the Word [*not*] left out:* might not this Text be mended?

12. The Scripture may have more Senses besides the Literal, because God understands all things at once;

* Archbishop Usher on his way to preach at St. Paul's Cross, entered a bookseller's shop and purchased a London edition of the Bible, in which, to his astonishment and dismay, he found the text he had selected was omitted. This was the occasion of the first complaint on the subject, and inducing further attention, the King's printers, in 1632, were justly fined 3000*l.* for omitting the word "not" in the seventh commandment. During the reign of the Parliament a large impression of the Bible was suppressed on account of its errors and corruptions, many of which were the results of design as well as of negligence. The errors in two of the editions actually amounted respectively to 3600 and 6000.

Johnson's Memoirs of Selden.

but a Man's Writing has but one true Sense, which is that which the Author meant when he writ it.

13. When you meet with several Readings of the Text, take heed you admit nothing against the *Tenets* of your Church; but do as if you were going over a Bridge; be sure you hold fast by the Rail, and then you may dance here and there as you please; be sure you keep to what is settled, and then you may flourish upon your various Lections.

14. The *Apocrypha* is bound with the Bibles of all Churches that have been hitherto. Why should we leave it out? The Church of *Rome* has her *Apocrypha* (viz.) *Susanna* and *Bell and the Dragon*, which she does not esteem equally with the rest of those Books that we call *Apocrypha*.*

Bishops before the Parliament.

A BISHOP as a Bishop, had never any Ecclesiastical Jurisdiction; for as soon as he was *Electus Confirmatus*, that is, after the three Proclamations in *Bow-Church*, he might exercise Jurisdiction before he was consecrated; yet† till then he was no Bishop, neither could he give Orders. Be-

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* *Apocrypha* which is extant in Greek only, except the 4th book of Esdras in Latin:

The Apocrypha was one great stumbling-block to the Presbyterians. They looked upon its introduction into the Liturgy to be papistical.

† Original Edition, *not*.

sides, *Suffragans* were Bishops, and they never claimed any Jurisdiction.

2. Anciently the Noblemen lay within the City for Safety and Security. The Bishops' Houses were by the Water side, because they were held sacred Persons which nobody would hurt.

3. There was some sense for *Commendams* at first: when there was a Living void, and never a Clerk to serve it, the Bishops were to keep it till they found a fit Man; but now 'tis a Trick for the Bishop to keep it for himself.

4. For a Bishop to preach, 'tis to do other Folks' Office, as if the Steward of the House should execute the Porter's or the Cook's Place. 'Tis his Business to see that they and all other about the House perform their Duties.

5. That which is thought to have done the Bishops hurt, is their going about to bring Men to a blind Obedience, imposing things upon them [though perhaps small and well enough], without preparing them, and insinuating into their Reasons and Fancies. Every Man loves to know his Commander. I wear those Gloves; but perhaps if an Alderman should command me, I should think much to do it: What has he to do with me? Or if he has, peradventure I do not know it. This jumping upon things at first Dash will destroy all. To keep up Friendship, there must be little Addresses and Applications; whereas Bluntness spoils it quickly: To keep up the Hierarchy, there must be little Applications made to Men, they must be brought on by little and little. So in the Primitive Times the Power was

gained, and so it must be continued. *Scaliger* said of *Erasmus; Si minor esse voluerit,* major fuisset.* So we may say of the Bishops, *Si minores esse voluerint, majores fuissent.*

6. The Bishops were too hasty, else with a discreet slowness they might have had what they aimed at. The old Story of the Fellow, that told the Gentleman, he might get to such a Place if he did not ride too fast, would have fitted their turn.

7. For a Bishop to cite an old Canon to strengthen his new Articles, is as if a Lawyer should plead an old Statute that has been repealed God knows how long.

Bishops in the Parliament.

BISHOPS have the same Right to sit in Parliament as the best Earls and Barons;† that is, those that were made by Writ. If you ask one of them [*Arundel, Oxford, Northumberland*]

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* Original Edition, *Voluit.*

† A resolution had passed the House of Commons in 1640, and a Bill was founded upon it, declaring that no Bishop or other Clergyman ought to be a privy counsellor, in the commission of the peace, or to have any judicial power in a civil court, it being a hindrance to his spiritual functions and injurious to the Commonwealth. This was probably in imitation of the resolution of the General Assembly of the Kirk of Scotland, who, in their Act of Sessions, 17th August, 1639, had propounded that "The civil power and places of Kirkmen, their Sitting in Session, Councell, and Exchecquer, their Riding, Sitting, and voting in Parliament, and their sitting in the Bench as Justices of Peace, are incompatible with their Spiritual Sanction, lifting them up above their

why they sit in the House, they can only say, their Father sate there before them, and their Grandfather before him, *&c.* And so say the Bishops; he that was a Bishop of this Place before me sate in the House, and he that was a Bishop before him, *&c.* Indeed your later Earls and Barons have it expressed in their Patents, that they shall be called to the Parliament. *Objection*, but the Lords sit there by Blood, the Bishops not. *Answer*, 'Tis true, they sit not there both the same way, yet that takes not away the Bishops' Right. If I am a Parson of a Parish, I have as much Right to my Glebe and Tithe, as you have to your Land which your Ancestors have had in that Parish Eight Hundred Years.

2. The Bishops were not Barons, because they had Baronies annexed to their Bishoprics; for few of them

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Brethren in worldly pomp, and do tend to the hinderance of the Ministrie."

The King insisted upon their right from custom, which he was bound to maintain as one of the fundamental institutions of the kingdom, and we see that with this opinion Selden concurred.

Mr. Bagshaw who was reader of the Middle Temple, lecturing during the Lent vacation of 1640 upon the statute of the 25th, Edward III. inferred from its enactments, that Bishops, as spiritual lords, have no right to sit in Parliament. It is true he was silenced by the Government; but the support which he met with, and the very fact of his lecturing on the topic before such an audience, is testimony of that opinion not being unpalatable or unfavoured.—*Johnson's Memoirs of Selden.*

Six Bishoprics were created by King Henry VIII.; Bristol, Gloucester, Peterborough, Chester, Oxford and *Westminster;* but the last had only one Bishop, after whom it was again annexed to the see of London.

had so, unless the old ones, *Canterbury, Winchester, Durham,* etc.; the new erected we are sure had none, as *Gloucester, Peterborough,* etc.; besides few of the Temporal Lords had any Baronies. But they are Barons, because they are called by Writ to the Parliament, and Bishops were in the Parliament ever since there was any mention, or sign of a Parliament in *England.*

3. Bishops may be judged by the Peers, though in time of Popery it never happened, because they pretended they were not obnoxious to a Secular Court; but their way was to cry, *Ego sum Frater Domini Papæ,* I am Brother to my Lord the Pope, and therefore take not myself to be judged by you: in this Case they impanelled a Middlesex Jury, and dispatched the Business.

4. Whether may Bishops be present in Cases of Blood? *Answ.* That they had a Right to give Votes appears by this, always when they did go out, they left a Proxy; and in the time of the Abbots, one Man had 10, 20 or 30 Voices. In *Richard* the Second's time, there was a Protestation against the Canons, by which they were forbidden to be present in case of Blood.*

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* In Richard the Second's time there was a protestation against the *Canons.* They were forbidden by Canon Law only, and unless the King's most royal assent might be had unto them, &c.

Canons for Blood, i.e. forbidding the Bishops to vote in cases of blood.

Canons of irregul. of Blood, i.e. against their voting in cases of blood, &c.

The Statute of 25th of *Henry* the Eighth may go a great way in this Business. The Clergy were forbidden to use or cite any Canon, *&c.*; but in the latter end of the Statute, there was a Clause, that such Canons that were in usage in this Kingdom, should be in force till the thirty-two Commissioners appointed should make others, provided they were not contrary to the King's Supremacy. Now the Question will be, whether these Canons for Blood were in use in this Kingdom or no? The contrary whereof may appear by many Precedents in *Richard* III. and *Henry* VII. and the beginning of *Henry* VIII. in which time there were more attainted than since, or scarce before. The Canons of Irregularity of Blood were never receiv'd in *England*, but upon pleasure. If a Lay-Lord was attainted, the Bishops assented to his Condemning, and were always present at the passing of the Bill of Attainder: But if a Spiritual Lord, they went out, as if they car'd not whose Head was cut off, so none of their own. In those Days, the Bishops being of great Houses, were often entangled with the Lords in Matters of Treason. But when d'ye hear of a Bishop a Traitor now?

5. You would not have Bishops meddle with Temporal Affairs. Think who you are that say it. If a Papist, they do in your Church; if an *English* Protestant, they do among you; if a Presbyterian, where you have no Bishops, you mean your Presbyterian Lay-Elders should meddle with Temporal Affairs as well as Spiritual. Besides, all Jurisdiction is Temporal; and in no Church but they have some Jurisdiction or other. The Question then will be reduced to *Magis*

and *Minus;* They meddle more in one Church than in another.

6. *Objection.* Bishops give not their Votes by Blood in Parliament, but by an Office annexed to them, which being taken away they cease to vote; therefore there is not the same reason for them as for Temporal Lords. *Answ.* We do not pretend they have that Power the same way; but they have a Right: He that has an Office in *Westminster-Hall* for his Life, the Office is as much his as his land is his that hath Land by Inheritance.

7. Whether had the inferior Clergy ever any thing to do in the Parliament? *Answ.* No; no otherwise than thus: There were certain of the Clergy that used to assemble near the Parliament, with whom the Bishops, upon occasion might consult (but there were none of the Convocation, as 'twas afterwards settled,) *viz.* the Dean, the Arch-Deacon, one for the Chapter, and two for the Diocese, but it happened by continuance of time (to save Charges and Trouble) their Voices, and the Consent of the whole Clergy, were involved in the Bishops; and at this Day, the Bishops' Writs run, to bring all these to the Parliament; but the Bishops themselves stand for all.

8. Bishops were formerly one of these two Conditions; either Men bred Canonists and Civilians, sent up and down Ambassadors to *Rome* and other Parts, and so by their Merit came to that Greatness; or else great Noblemen's Sons, Brothers, and Nephews, and so born to govern the State: Now they are of a low Condition, their Education nothing of that way: he gets a Living,

and then a greater Living, and then a greater than that, and so comes to govern.

9. Bishops are now unfit to Govern, because of their Learning: they are bred up in another Law; they run to the Text for something done amongst the *Jews* that nothing concerns *England;* 'tis just as if a Man would have a Kettle, and he would not go to our *Brazier* to have it made, as they make Kettles, but he would have it made as *Hiram* made his Brass-work, who wrought in *Solomon's* Temple.

10. To take away Bishops' Votes, is but the beginning to take them away; for then they can be no longer useful to the King or State. 'Tis but like the little Wimble, to let in the greater Auger. *Objection.* But they are but for their Life, and that makes them always go for the King as he will have them. *Answer.* This is against a double Charity; for you must always suppose a bad King and bad Bishops. Then again, whether will a Man be sooner content himself should be made a Slave, or his Son after him? When we talk of our Children we mean ourselves. Besides, they that have Posterity are more obliged to the King than they that are only for themselves, in all the reason in the World.

11. How shall the Clergy be in the Parliament, if the Bishops are taken away? *Answer.* By the Laity; because the Bishops, in whom the rest of the Clergy are included, assent* to the taking away their own Votes, by being involv'd in the major Part of the House. This follows naturally.

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* Original Edition, *are sent.*

12. The Bishops being put out of the House, whom will they lay the fault upon now? When the Dog is beat out of the Room, where will they lay the stink?

Bishops out of the Parliament.

IN the beginning Bishops and Presbyters were alike, like the Gentlemen in the Country, whereof one is made Deputy-Lieutenant, and another Justice of Peace; so one is made a Bishop, another a Dean; and that kind of Government by Archbishops and Bishops no doubt came in, in imitation of the Temporal Government, not *Jure Divino*. In time of the *Roman* Empire, where they had a Legatus, there they placed an Archbishop; where they had a Rector, there a Bishop, that every one might be instructed in Christianity, which now they had received into the Empire.

2. They that speak ingenuously of Bishops and Presbyters, say, that a Bishop is a great Presbyter, and, during the time of his being Bishop, above a Presbyter; as your President of the College of Physicians, is above the rest, yet he himself is no more than a Doctor of Physic.

3. The Words [Bishop and Presbyter] are promiscuously used; that is confessed by all;* and though

* Wyckliffe in his Trialogus says:—"I boldly affirm, that in the time of Paul *presbyter* and *bishop* were names of the same office. This appears from the first chapter of the Epistle to Titus, and confirmed by that profound theologian Jerome."—*See Dr. Vaughan's Life of Wyckliffe*, vol. ii. p. 275.

the Word [Bishop] be in *Timothy* and *Titus*, yet that will not prove the Bishops ought to have a Jurisdiction over the Presbyter, though *Timothy* or *Titus* had by the Order that was given them. Somebody must take care of the rest; and that Jurisdiction was but to Excommunicate, and that was but to tell them they should come no more into their Company. Or grant they did make Canons one for another, before they came to be in the State, does it follow they must do so when the State has receiv'd them into it? What if *Timothy* had power in *Ephesus*, and *Titus* in *Crete*, over the *Presbyters?* Does it follow therefore the Bishops must have the same in *England?* Must we be governed like *Ephesus* and *Crete?*

4. However some of the Bishops pretend to be *Jure Divino*, yet the Practice of the Kingdom had ever been otherwise; for whatever Bishops do otherwise than the Law permits, *Westminster Hall* can control, or send them to absolve, *&c.*

5. He that goes about to prove Bishops *Jure Divino;** does as a Man that having a Sword, shall strike it against an Anvil: if he strike it awhile there, he may peradventure loosen it, tho' it be never so well riveted,

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* Who would not have laughed to hear a Presbyterian observe, from the first chapter of Genesis, first verse, that whilst Moses relates what God made, he speaks nothing of Bishops; by which it was evident that Bishops were not of divine institution. A conceit as ridiculous as that of a Priest, who finding *Maria* spoken of, signifying *Seas*, did brag that he had found the Virgin *Mary* named in the Old Testament.

Religio Stoici, 12°, Edinb. 1663, p. 77.

'twill serve to strike another Sword, or cut Flesh, but not against an Anvil.

6. If you should say you hold your Land by *Moses'* or God's Law, and would try it by that, you may perhaps lose, but by the Law of the Kingdom you are sure of it. So may the Bishops by this Plea of *Jure Divino* lose all. The Pope had as good a Title by the Law of *England* as could be had, had he not left that, and claimed by Power from God.

7. There is no Government enjoin'd* by Example, but by Precept; it does not follow we must have Bishops still, because we have had them so long. They are equally mad who say Bishops are so *Jure Divino* that they must be continued, and they who say they are so Antichristian that they must be put away. All is as the State pleases.

8. To have no Ministers, but Presbyters, 'tis as if in the Temporal State they should have no Officers but Constables. Bishops do best stand with Monarchy; that as amongst the Laity, you have Dukes, Lords, Lieutenants, Judges, *&c.*, to send down the King's Pleasure to his Subjects, so you have Bishops to govern the inferior Clergy. These upon occasion may address themselves to the King, otherwise every Parson† of the Parish must come, and run up to the Court.

9. The Protestants have no Bishops in *France*, because they live in a Catholic Country, and they will

* *There is no Government enjoined*, &c., i. e. by example of other Governments but by that which is judged best for our own.

† Orig. Edit. *Person*, the old orthography of *Parson*.

not have Catholic Bishops; therefore they must govern themselves as well as they may.

10. What is that to the purpose, to what End were Bishops' Lands given to them at first?* You must look to the Law and Custom of the Place. What is that to any Temporal Lord's Estate, how Lands were first divided, or how in *William* the Conqueror's Days? And if Men at first were juggled out of their Estates, yet they are rightly their Successors. If my Father cheat a Man, and he consent to it, the Inheritance is rightly mine.

11. If there be no Bishops, there must be something else which has the Power of Bishops, though it be in many; and then had you not as good keep them?† If you will have no Half-Crowns, but only single Pence, yet Thirty single Pence are half a Crown; and then had you not as good keep both? But the Bishops have done ill. 'Twas the Men, not the Function: As if you should say, you would have no more Half-Crowns, because they were stolen, when the Truth is, they were not stolen because they were Half-Crowns, but because they were Money, and light in a Thief's hand.

12. They that would pull down the Bishops and erect

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* *Bishops' Lands.* Ordered by the Parliament to be sold for the use of the Commonwealth, Nov. 16, 1646.

† Dr. Aikin has observed that Selden steered a middle course, as one who was an enemy to the usurpations of Ecclesiastical power, yet was friendly to the discipline of the Church of England. He certainly strove in the House of Commons to prevent the abolition of Episcopacy. It is evident that he disliked the Presbyterians, but it would be difficult to say what church would have had his entire approbation.

a new way of Government, do as he that pulls down an old House, and builds another in another Fashion. There's a great deal of do, and a great deal of trouble: the old rubbish must be carried away, and new materials must be brought: Workmen must be provided, and perhaps the old one would have serv'd as well.

13. If the Parliament and *Presbyterian Party* should dispute, who should be Judge? Indeed in the beginning of Queen *Elizabeth*, there was such a difference, between the *Protestants* and *Papists*, and Sir *Nicholas Bacon*, Lord Chancellor,* was appointed to be Judge; but the Conclusion was, the stronger *Party* carried it: For so Religion was brought into these† Kingdoms, so it has been continued, and so it may be cast out, when the State pleases.

14. 'Twill be great Discouragement to Scholars, that Bishops should be put down: for now the Father can say to his Son, and the Tutor to his Pupil, *Study hard, and you shall have Vocem et Sedem in Parliamento;* then it must be, *Study hard, and you shall have a hundred a year, if you please your Parish. Objection.* But they that enter into the Ministry for Preferment, are like *Judas* that look'd after the *Bag. Answer.* It may be so, if they turn Scholars at *Judas's* Age; but what Arguments will they use to persuade them to follow their *Books* while they are young?

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* Sir Nicholas Bacon was never Chancellor. He was Keeper of the Great Seal.

† The word *these* is omitted in Orig. Ed.

Books, Authors.

THE giving a *Bookseller* his Price for his *Books* has this Advantage; he that will do so, shall have the refusal of whatsoever comes to his hand, and so by that means get many things, which otherwise he never should have seen. So 'tis in giving a *Bawd* her Price.

2. In buying Books or other Commodities, 'tis not always the best way to bid half so much as the seller asks: witness the Country fellow that went to buy two [shove-] groat Shillings,* they ask'd him three Shillings, and he bade them Eighteen pence.

3. They counted the Price of the Books (*Acts* xix. 19.) and found Fifty Thousand Pieces of Silver; that is so many Sestertii, or so many Three-half-pence of our Money, about Three Hundred pound Sterling.

4. Popish Books teach and inform; what we know we know much out of them. The Fathers, Church

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* The word *shove* is wanting in the Original Edition, but one MS. copy has it *shore*, an evident mistake.

The broad, flat, thin shillings of Edward VI. were anciently much in request for the game of *shove-groat* or *shuffle board*. They were placed on the edge of the table or board projecting over it, and struck with the palm of the hand to certain chalk marks progressively numbered. The game was originally played with silver groats, then nearly as large as modern shillings. The reader will recollect Falstaff's "Quoit him down, Bardolph, like a *shove-groat Shilling*." Master Slender's Edward shovel boards cost him "two shillings and two-pence a piece." See Douce's Illustrations of Shakespeare, vol. ii. p. 454, and Nares's Glossary in v. "Shove-groat."

Story, School-men, all may pass for Popish Books; and if you take away them, what Learning will you leave? Besides who must be Judge? The Customer or the Waiter? If he disallows a Book, it must not be brought into the Kingdom;* then Lord have mercy upon all Scholars. These *Puritan* Preachers, if they have any things good, they have it out of Popish Books, tho' they will not acknowledge it, for fear of displeasing the People. He is a poor Divine that cannot sever the good from the bad.

5. 'Tis good to have Translations, because they serve as a Comment, so far as the Judgement of the Man goes.

6. In answering a Book, 'tis best to be short; otherwise he that I write against will suspect I intend to weary him, not to satisfy him. Besides in being long I shall give my Adversary a huge advantage; somewhere or other he will pick a hole.

7. In quoting of Books, quote such Authors as are usually read; others you may read for your own Satisfaction, but not name them.†

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* *Customer*, i. e. The officer of the Customs. The importation of Popish Books was contraband; it was one of the charges against Laud that he had suffered the customs to let pass many Popish Books.

† We are told in the Walpoliana that Bentley would not even allow that a book was worthy to be read that could not be quoted. "Having found his son reading a novel, he said, Why read a book that you cannot quote?" Selden's own conduct was at variance with his dictum, for in his own works he freely quotes from all sources, many of them the most recondite, and certainly not such as "are usually read."

8. Quoting of Authors is most for matter of Fact, and then I cite* them as I would produce a Witness; sometimes for a free Expression; and then I give the Author his due, and gain myself praise by reading him.

9. To quote a Modern Dutchman, where I may use a Classic Author, is as if I were to justify my Reputation, and I neglect all Persons of Note and Quality that know me, and bring the Testimonial of the Scullion in the Kitchen.

Canon Law.

IF I would study the Canon Law as it is used in *England*, I must study the Heads here in use, then go to the Practisers in those Courts where that Law is practised, and know their Customs. So for all the Study in the World.

Ceremony.

CEREMONY keeps up all things: 'Tis like a Penny-Glass to a rich Spirit, or some excellent Water; without it the Water were spilt, the Spirit lost.

2. Of all people Ladies have no reason to cry down Ceremony, for they take themselves slighted without it. And were they not used with Ceremony, with Compliments and Addresses, with Legs and Kissing of Hands,

* The first and second editions have *write*. Evidently an error.

they were the pitifullest Creatures in the World. But yet methinks to kiss their Hands after their Lips, as some do, is like little Boys, that after they eat the Apple, fall to the Paring out of a Love they have to the Apple.

Chancellor.

THE Bishop is not to sit with a Chancellor in his Court, (as being a thing either beneath him or beside him,) no more than the King is to sit in the *King's-Bench* when he has made a Lord-Chief-Justice.

2. The Chancellor govern'd in the Church, who was a Lay-man:* and therefore 'tis false which they charge the Bishops with, that they challenge sole Jurisdiction; for the Bishop can no more put out the Chancellor than the Chancellor the Bishop. They were many of them made Chancellors for their Lives; and he is the fittest Man to govern, because Divinity so overwhelms the rest.

Changing Sides.

THIS the Trial of a Man to see if he will change his side; and if he be so weak as to change once, he will change again. Your Country Fellows have a way to try if a Man be weak in the

* The Chancellors of Dioceses are still several of them laymen, generally civilians. It is probable that, as Dr. Irving suggests, we should read they "were many of them made chancellors for their *knowledge of the laws*."

Hams, by coming behind him and giving him a Blow unawares; if he bend once, he will bend again.

2. The Lords that fall from the King after they have got Estates by base Flattery at Court, and now pretend Conscience, do as a Vintner, that when he first sets up, you may bring your Wench to his House, and do your things there; but when he grows Rich, he turns conscientious, and will sell no Wine upon the Sabbath-day.

3. Colonel *Goring** serving first the one side and then the other, did like a good Miller that knows how to grind which way soever the Wind sits.

4. After *Luther* had made a Combustion in *Germany* about Religion, he was sent to by the *Pope*, to be taken off, and offer'd any Preferment in the Church, that he would make choice of: *Luther* answered, if he had offer'd half as much at first, he would have accepted it; but now he had gone so far, he could not come back. In Truth he had made himself a greater thing than they could make him; the *German* Princes courted him, he was become the Author of a Sect ever after to be called *Lutherans*. So have our Preachers done that are against the Bishops; they have made themselves greater with the people than they can be made the other way; and therefore there is the less probability† in bringing them off.

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* *Col. Goring.* He was first sworn to the King's secret orders; confessed to the House; was entrusted by them with Portsmouth, which he surrendered to Charles in 1642, &c. "He would (says Clarendon) without hesitation have broken any trust or done any act of treachery, to have satisfied any ordinary passion or appetite."

† The Original Edition misprints this, "*charity probably.*"

*Charity.**

CHARITY to Strangers is enjoin'd in the Text. By Strangers is there understood those that are not of our own Kin, Strangers to your Blood; not those you cannot tell whence they come; that is, be charitable to your Neighbours whom you know to be honest poor People.

Christmas.

CHRISTMAS succeeds the *Saturnalia*, the same time, the same number of Holy-days; then the Master waited upon the Servant like the Lord of *Misrule*.

2. Our Meats and our Sports, much of them, have Relation to Church-works. The Coffin of our *Christmas*-Pies, in shape long, is in Imitation of the Cratch; our choosing Kings and Queens on *Twelfth*-Night, hath reference to the three Kings. So likewise our eating of Fritters, whipping of Tops, roasting of Herrings, Jack of Lents,† *&c.*, they were all in Imitation of Church-works, Emblems of Martyrdom. Our Tansies at *Easter* have reference to the bitter Herbs; though,

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* The word *Charity*, placed as above noted in the text of the Original Edition, should have been the head title of this Article, which is erroneously blended with the preceding, to which it has no relation.

† *Jack o' Lents*, i. e. Puppets to be pelted at like shrove-cocks in Lent.

at the same time 'twas always the Fashion for a Man to have a Gammon of Bacon to show himself to be no *Jew*.

Christians.

IN the High-Church of *Jerusalem*, the Christians were but another Sect of *Jews*, that did believe the *Messias* was come. To be called, was nothing else, but to become a Christian, to have the Name of a Christian, it being their own Language; for amongst the *Jews*, when they made a Doctor of Law, 'twas said he was called.

2. The *Turks* tell their People of a Heaven where there is sensible Pleasure, but of a Hell where they shall suffer they don't know what. The Christians quite invert this Order; they tell us of a Hell where we shall feel sensible Pain, but of a Heaven where we shall enjoy we can't tell what.

3. Why did the Heathens object to the Christians, that they worship an Ass's Head?* You must know, that to a Heathen, a *Jew* and a Christian were all one;† that they regarded him not, so he was not one of them. Now that of the Ass's Head might proceed from such a

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* V. Minucius Felix in Octavio, cap. 28, (ubi hæc Cæcilii verba laudatur: Audire te dicis caput asini rem nobis esse divinam? Quis tam stultus, ut hac colat? quis stultior, ut hoc credat. Conf. Martialis, II. 95; Tacitus, Hist. lib. v. § 4.), and Ruperti's Commentary, where the subject is discussed and references given to everything bearing on the subject.

† This opinion is founded on the passage in Suetonius. Claudius, § 25. But see Van Dale de Oraculis Veterum Ethnicorum, p. 604. Gibbon, vol. ii. p. 401. Watson's Apology, p. 88.

Mistake as this; by the *Jews'* Law, all the Firstlings of Cattle were to be offered to God, except a young Ass, which was to be redeemed. A Heathen being present, and seeing young Calves and young Lambs kill'd at their Sacrifices, only young Asses redeem'd, might very well think they had that silly Beast in some high Estimation, and thence might imagine they worshipped it as a God.

Church.

HERETOFORE the Kingdom let the Church alone, let them do what they would, because they had something else to think of, (*viz.*) Wars; but now in time of Peace, we begin to examine all things, will have nothing but what we like, grow dainty and wanton; just as in a Family when the Heir uses to go a hunting; he never considers how his Meal is drest, takes a bit, and away; but when he stays within, then he grows curious; he does not like this, nor he does not like that; he will have his Meat drest his own way, or peradventure he will dress it himself.

2. It hath ever been the game* of the Church when the King will let the Church have no Power to cry down the King and cry up the Church: But when the Church can make use of the King's Power, then to bring all under the King's Prerogative. The Catholics of *England* go one way, and the Court-Clergy another.

3. A glorious Church is like a magnificent Feast; there is all the Variety that may be, but every one

* Original Edition, *gain.*

chooses out a Dish or two that he likes, and lets the rest alone: how glorious soever the Church is, every one chooses out of it his own Religion, by which he governs himself, and lets the rest alone.

4. The Laws of the Church are most favourable to the Church, because they were the Church's own making; as the Heralds are the best Gentlemen, because they make their own Pedigree.

5. There is a Question about that Article, concerning the Power of the Church, whether these Words [of having Power in Controversies of Faith]* were not stolen in; but 'tis most certain they were in the Book of Articles that was confirm'd, though in some Editions they have been left out: But the Article before tells you, who the Church is, not the Clergy, but *Cœtus fidelium*.

Church of Rome.

BEFORE a Juggler's Tricks are discover'd we admire him, and give him Money, but afterwards we care not for them; so 'twas before the Discovery of the Juggling of the Church of *Rome*.

2. Catholics say, we out of our Charity believe they of the Church of *Rome* may be saved, but they do not believe so of us; therefore their Church is better ac-

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* "*Of having power in controversies.*" Article 20th. Inserted, says Fuller, in the original edition, 1562-3, 1593, 1605, 1612, omitted edition 1571, when first ratified by act of Parliament.

cording to ourselves. First, some of them no doubt, believe as well of us, as we do of them, but they must not say so. Besides, is that an Argument their Church is better than ours because it has less Charity?

3. One of the Church of *Rome* will not come to our Prayers; does that argue he doth not like them? I would fain see a *Catholic* leave his Dinner, because a Nobleman's Chaplain says Grace. Nor haply would he leave the Prayers of the Church, if going to Church were not made a Mark of Distinction between a *Protestant* and a *Papist*.

Churches.

THE Way coming into our great Churches, was anciently at the West-Door, that Men might see the Altar, and all the Church before them; the other Doors were but Posterns.*

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* I received letters lately out of France touching this point—Whether we find that any Churches in the elder times of Christianity were with the doors, or fronts eastward or no? because of that in Sidonius:—Arce Frontis ortum spectat æquinoctialem, lib. 2. Ep. 10. and other like. I beseech your Lordship to let me know what you think hereof.

My Titles of Honour are in the press, and new written, but I hear it shall be staid; if not I shall salute you with one as soon as it is done.

Selden to Usher, March 24, 1621.

Usher to Selden.

Touching that which you move concerning the situation of Churches in the elder times of Christianity, Walafridus Strabo (De Reb. Ecclesiast. c. 4.) telleth us: Non magnopere curabunt

City.

WHAT makes a City; whether a Bishopric or any of that nature?

Answer. 'Tis according to the first Charter which made them a Corporation. If they are incorporated by Name of *Civitas*, they are a City; if by the name of *Burgum*, then they are a Borough.

2. The Lord Mayor of *London* by their first Charter, was to be presented to the King; in his absence, to the Lord Chief Justiciary of *England*, afterwards to the Lord Chancellor, now to the Barons of the Exchequer; but still there was a Reservation, that for their Honour they should come once a Year to the King, as they do still.

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illius temporis justi, quam in partem orationis loca converterent. Yet his conclusion is, Sed tamen usus frequentior, et rationi vicinior habet, in *Orientem* orantes converti, et pluralitatem maximam Ecclesiarum eo tenore constitui. Which does further also appear by the testimony of Paulinus, Bishop of Nola, in his 12th epistle to Severus: Prospectus verò Basilicæ non, ut usitatior mos, Orientem spectat. And particularly with us here in Ireland, Josceline, in the Life of St. Patrick, observeth, that a Church was built by him in Sabul, hard by Downe (in Ulster), "Ab aquilonali parte versus meridianum plagam." Add hereunto that place of Socrates, lib. 5. Hist. Eccles. c. 22. Εν Αντιοχειᾳ της Συριας, η Εκκλησια αντιστροφον εχει την θεσιν· ου γαρ προς ανατολας το θυσιαστηριον, αλλα προς δυσιν ὁρᾶ. And compare it with that other place of Walafridus Strabo, where he sheweth both in the Church that Constantine and Helena builded at Jerusalem; and at Rome also in the Church of All Saints (which before was the Pantheon), and St. Peter's; "Altaria non tantum ad Orientem, sed etiam in alias partes esse distributa."

April 16, 1622.

Clergy.

THOUGH a Clergyman have no Faults of his own, yet the Faults of the whole Tribe shall be laid upon him, so that he shall be sure not to lack.

2. The Clergy would have us believe them against our own Reason, as the Woman would have had her Husband against his own Eyes: What! will you believe your own Eyes before your own sweet Wife!

3. The Condition of the Clergy towards their Prince, and the Condition of the Physician is all one; the Physicians tell the Prince they have Agarick and Rhubarb, good for him and good for his Subjects' Bodies; upon this he gives them leave to use it; but if it prove naught, then away with it, they shall use it no more: So the Clergy tell the Prince they have Physic good for his Soul, and good for the Souls of his People; upon that he admits them; but when he finds by Experience they both trouble him and his People, he will have no more to do with them. What is that to them, or any body else, if a King will not go to Heaven?

4. A Clergyman goes not a dram further than this, you ought to obey your Prince in general. If he does he is lost. How to obey him, you must be inform'd by those whose Profession it is to tell you. The Parson of the Tower, a good discreet Man, told Dr. *Mosely*, (who was sent to me and the rest of the Gentlemen committed the 3*d*. *Caroli*, to persuade us to submit to the King) that he found no such Words as Parliament,

Habeas Corpus, Return, Tower, &c., neither in the Fathers, nor the Schoolmen, nor in the Text; and therefore for his part he believed he understood nothing of the Business. A Satire upon all those Clergymen that meddle with Matters they do not understand.

5. All confess there never was a more learned Clergy; no Man taxes them with Ignorance. But to talk of that, is like the fellow that was a great Wencher; he wish'd God would forgive him his Lechery, and lay Usury to his Charge. The Clergy have worse Faults.

6. The Clergy and the Laity together are never like to do well; 'tis as if a Man were to make an excellent Feast, and should have his Apothecary and his Physician come into the Kitchen; the Cooks if they were let alone would make excellent Meat; but then comes the Apothecary and he puts Rhubarb into one Sauce and Agarick into another Sauce. Chain up the Clergy on both sides.*

High Commission.†

MEN cry out upon the High Commission, as if the Clergymen only had to do in it, when I believe there are more Lay-men in Commission there, than Clergy-men; if the Lay-men will

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* *Chain up both sides.* i. e. Court-clergy and Puritan.

† Established in the first year of Eliz. in place of a greater power under the Pope, (says Clarendon,) Commissioners who exercised the King's Ecclesiastical Supremacy. Intended as a Court to reform manners, it grew to a contempt of the Common Law—to reprehend the Judges, &c. It was abolished in 1641.

not come, whose fault is that? So of the Star-Chamber; the People think the Bishops only censur'd *Prynne*, *Burton*, and *Bastwick*, when there were but two there, and one spake not in his own Case.*

House of Commons.

THERE be but two Erroneous Opinions in the House of Commons: That the Lords sit only for themselves, when the Truth is, they sit as well for the Commonwealth. The Knights and Burgesses sit for themselves and others, some for more, some for fewer; and what is the Reason? Because the Room will not hold all. The Lords being few, they all come; and imagine the Room able to hold all the Commons of *England*, then the Knights and Burgesses would sit no otherwise than the Lords do. The second Error is, that the House of Commons are to begin to give Subsidies, yet if the Lords dissent they can give no money.

2. The House of Commons is called the Lower House, in twenty Acts of Parliament; but what are twenty Acts of Parliament amongst Friends?

3. The Form of a Charge runs thus; *I Accuse in*

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* "*There were but two there, and one spake,*" *&c.* London and Canterbury. Prynne and the others arraigned them for sitting judges in their own cause. Laud made a long speech, says Fuller, against making innovations in the Church, and concluded, "that he left the prisoners to God's mercy and the King's justice."

the Name of all the Commons of England. How then can any Man be as a Witness, when every Man is made the Accuser?

Confession.

IN time of Parliament it used to be one of the first things the House did, to Petition the King that his Confessor might be removed, as fearing either his Power with the King, or else, lest he should reveal to the Pope what the House was in doing; as no doubt he did when the Catholic Cause was concerned.

2. The Difference between us and the *Papists* is, we both allow Contrition, but the *Papists* make Confession a part of Contrition; they say a Man is not sufficiently contrite, till he confess his Sins to a Priest.

3. Why should I think a Priest will not reveal Confession? I am sure he will do any thing that is forbidden him, haply not so often as I. The utmost Punishment is Deprivation; and how can it be proved, that ever any Man revealed Confession, when there is no Witness? And no Man can be Witness in his own Cause. A mere Gullery. There was a time when 'twas public in the Church, and that is much against their Auricular Confession.

Competency.

THAT which is a Competency for one Man, is not enough for another, no more than that which will keep one Man warm, will keep another Man warm: one Man can go in Doublet and Hose, when another Man cannot be without a Cloak, and yet have no more Clothes than is necessary for him.

Great Conjunction.

THE greatest Conjunction of *Saturn* and *Jupiter*, happens but once in eight Hundred Years, and therefore Astrologers can make no Experiments of it, nor foretel what it means; not but that the Stars may mean something; but we cannot tell what, because we cannot come at them. Suppose a Planet were a Simple, or an Herb, how could a Physician tell the Virtue of that Simple, unless he could come at it, to apply it?

Conscience.

HE that hath a Scrupulous Conscience, is like a Horse that is not well weigh'd,* he starts at every Bird that flies out of the Hedge.

2. A knowing Man will do that, which a tender Con-

* Dr. Wilkin's reads well *wayed*, which is probably the right word.

science Man dares not do, by reason of his Ignorance; the other knows there is no hurt; as a Child is afraid to go into the dark, when a Man is not, because he knows there is no Danger.

3. If we once come to leave that outloose, as to pretend Conscience against Law, who knows what inconvenience may follow? For thus, Suppose an *Anabaptist* comes and takes my Horse, I Sue him; he tells me he did according to his Conscience; his Conscience tells him all things are common amongst the Saints, what is mine is his; therefore you do ill to make such a Law, "If any Man takes another's Horse he shall be hanged." What can I say to this Man? He does according to his Conscience. Why is not he as honest a Man as he that pretends a Ceremony established by Law is against his Conscience? Generally to pretend Conscience against Law is dangerous; in some Cases haply we may.

4. Some men make it a Case of Conscience, whether a Man may have a Pigeon-house, because his Pigeons eat other Folks' Corn. But there is no such thing as Conscience in the Business; the Matter is, whether he be a Man of such Quality, that the State allows him to have a Dove-house; if so, there's an end of the business; his Pigeons have a right to eat where they please themselves.*

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* *To have a dove-house.* A Lord of a Manor may build a dove-cot upon his land, parcel of his manor; but a tenant of the manor cannot do it without licence. 3 Salkeld, 248. But any Freeholder may build a dove-cot on his own ground. Cro. Jac. 382. 490. *Burn's Justice.*

Consecrated Places.

THE *Jews* had a peculiar way of consecrating things to God, which we have not.

2. Under the Law, God, who was Master of all, made choice of a Temple to worship in, where he was more especially present; just as the Master of the House, who owns all the House, makes choice of one Chamber to lie in, which is called the Master's Chamber. But under the Gospel there was no such thing; Temples and Churches are set apart for the conveniency of Men to Worship in; they cannot meet upon the Point of a Needle; but God himself makes no choice.

3. All things are God's already; we can give him no right, by consecrating any, that he had not before, only we set it apart to his Service. Just as a Gardener brings his Lord and Master a Basket of Apricocks, and presents them, his Lord thanks him, perhaps gives him something for his pains, and yet the Apricocks were as much his Lord's before as now.

4. What is Consecrated, is given to some particular man, to do God Service, not given to God, but given to Man to serve God; and there's not any thing, Lands, or Goods, but some Men or other have it in their Power to dispose of as they please. The saying things Consecrated cannot be taken away, makes men afraid of Consecration.

5. Yet Consecration has this Power: when a Man has Consecrated any thing to God, he cannot of himself take it away.

Contracts.

IF our Fathers have lost their Liberty, why may not we labour to regain it? *Answ.* We must look to the Contract; if that be rightly made we must stand to it;* if we once grant we may recede from Contracts upon any inconveniency that may afterwards happen, we shall have no Bargain kept. If I sell you a Horse, and do not like my Bargain, I will have my Horse again.

2. Keep your Contracts, so far a Divine goes, but how to make our Contracts is left to ourselves; and as we agree upon the conveying of this House, or that Land, so it must be. If you offer me a Hundred Pounds for my Glove, I tell you what my Glove is, a plain Glove, pretend no Virtue in it, the Glove is my own, I profess not to sell Gloves, and we agree for an hundred Pounds, I do not know why I may not with a safe Conscience take it. The want of that common Obvious Distinction of *Jus præceptivum*, and *Jus permissivum*,† does much trouble Men.

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* It will be evident that the force of this observation must depend upon the word *rightly*. But hear the judicious Barrow: "An indefectible power cannot be settled by man, because there is no power ever extant at one time greater than there is at another; so that whatever power we may raise, the other may demolish: there being no bonds whereby the present time may bind all posterity."

† *Jus permissivum, &c.* The Law that enjoins, and the Law that suffers. "If this doth authorize usury which before was but *permissive*," &c.—*Bacon.*

3. Lady *Kent* Articled with Sir *Edward Herbert*, that he should come to her when she sent for him, and stay with her as long as she would have him, to which he set his hand; then he Articled with her, That he should go away when he pleased, and stay away as long as he pleased, to which she set her hand.* This is the Epitome of all the Contracts in the World, betwixt Man and Man, betwixt Prince and Subject, they keep them as long as they like them, and no longer.

Council.

THEY talk (but blasphemously enough) that the Holy Ghost is President of their General Councils, when the Truth is, the odd Man is still the Holy Ghost.

Convocation.†

WHEN the King sends his Writ for a Parliament, he sends for two Knights for a Shire, and two Burgesses for a Corpora-

* Sir Edward Herbert, Solicitor and Attorney General to Charles the First, and for some time Lord Keeper to Charles the Second, when in exile. Dr. Aikin says that a legal friend suggested to him that Sir Edward Herbert, who was an eminent lawyer, was probably retained for his advice by Lady Kent, at an annual salary; and he produced examples of deeds granted for payments on the same account, one of them as late as the year 1715. Hence it would appear that the lady had a great deal of law business on her hands, which would render the domestic counsel of such a person as Selden very valuable to her.

† The Convocation summoned with the Parliament in April,

tion; but when he sends, for two Arch-Bishops for a Convocation, he commands them to assemble the whole Clergy; but they, out of Custom amongst themselves, send to the Bishops of their Provinces to will them to bring two Clerks for a Diocese, the Dean, one for the Chapter, and the Arch-Deacons; but to the King every Clergyman is there present.

2. We have nothing so nearly expresses the Power of a Convocation, in respect of a Parliament, as a Court-Leet, where they have a Power to make By-Laws, as they call them; as that a Man shall put so many Cows or Sheep in the Common; but they can make nothing that is contrary to the Laws of the Kingdom.

Creed.

THANASIUS'S Creed is the shortest,* take away the Preface, and the Force, and the Conclusion, which are not part of the Creed. In the *Nicene* Creed it is εἰς ἐκκλησίαν, I believe in the Church; but now, as our Common-prayer has it, I believe one Catholic and Apostolic Church. They like not Creeds, because they would have no

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1640, continued after that Parliament was dissolved, under a new writ, says Clarendon, "under the proper title of a Synod. Made Canons which it *was thought* it might do; and gave subsidies out of Parliament, and enjoined oaths, which it certainly might not do," &c.

* *Creed.—Shortest.* It is confined to the Trinity; leaving out Catholic Church, Communion of Saints, &c.

Forms of Faith, as they have none of Prayer, though there be more reason for the one than for the other.

Damnation.

IF the Physician sees you eat any thing that is not good for your Body, to keep you from it, he cries 'tis Poison; if the Divine sees you do any thing that is hurtful for your Soul, to keep you from it, he cries you are damned.

2. To preach long, loud, and Damnation, is the way to be cried up. We love a Man that damns us, and we run after him again to save us. If a Man had a sore Leg, and he should go to an Honest Judicious Chirurgeon, and he should only bid him keep it warm, and anoint with such an Oil (an Oil well known) that would do the Cure, haply he would not much regard him, because he knows the Medicine beforehand an ordinary Medicine. But if he should go to a Surgeon that should tell him, your Leg will Gangrene within three days, and it must be cut off, and you will die, unless you do something that I could tell you, what listening there would be to this Man! Oh, for the Lord's Sake, tell me what this is; I will give you any content for your pains.

Devils.

WHY have we none possessed with Devils in *England?* The old Answer is, the Protestants the Devil hath already, and the Papists are so Holy, he dares not meddle with them.

Why then beyond Seas where a Nun is possest, when a *Huguenot* comes into the Church, does not the Devil hunt them out? The Priest teaches him,* you never saw the Devil throw up a Nun's coats; mark that, the Priest will not suffer it, for then the People will spit at him.

2. Casting out Devils is mere Juggling; they never cast out any but what they first cast in. They do it where for Reverence no Man shall dare to examine it; they do it in a Corner, in a Mortise-hole, not in the Market-place. They do nothing but what may be done by Art; they make the Devil fly out of the Window, in the Likeness of a Bat or a Rat; why do they not hold him? Why in the Likeness of a Bat, or a Rat, or some Creature? That is, why not in some shape we paint him in, with Claws and Horns? By this trick they gain much, gain upon Men's Fancies, and so are reverenced; and certainly if the Priest deliver me from him that is my most deadly Enemy, I have all the reason in the World to reverence him. *Objection.* But if this be Juggling, why do they punish Impostures? *Answer.* For great reason, because they do not play their part well, and for fear others should discover them; and so all of them ought to be of the same Trade.

3. A Person of Quality came to my Chamber in the *Temple*, and told me he had two Devils in his Head (I wondered what he meant), and just at that time, one of

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* *Him*, i. e. the Devil. Find out the Huguenots and enter into them, or hunt them out of the Church.

them bid him kill me: with that I begun to be afraid, and thought he was mad. He said he knew I could cure him, and therefore entreated me to give him something; for he was resolved he would go to nobody else. I perceiving what an Opinion he had of me, and that 'twas only Melancholy that troubled him, took him in hand, warranted him, if he would follow my directions to cure him in a short time. I desired him to let me be alone about an hour, and then to come again, which he was very willing to. In the meantime I got a Card, and lapped it up handsome in a Piece of Taffata, and put Strings to the Taffata, and when he came, gave it him to hang about his Neck, withal charged him, that he should not disorder himself neither with eating or drinking, but eat very little of Supper, and say his Prayers duly when he went to Bed, and I made no Question but he would be well in three or four Days. Within that time I went to Dinner to his House, and asked him how he did? He said he was much better, but not perfectly well, or in truth he had not dealt clearly with me. He had four Devils in his head, and he perceived two of them were gone, with that which I had given him, but the other two troubled him still. Well, said I, I am glad two of them are gone; I make no doubt but to get away the other two likewise. So I gave him another thing to hang about his Neck. Three Days after he came to me to my Chamber and profest he was now as well as ever he was in his Life, and did extremely thank me for the great Care I had taken of him. I fearing lest he might relapse into the like Distemper, told him that there was none but

myself, and one Physician more in the whole Town that could cure Devils in the Head, and that was Dr. *Harvey* (whom I had prepared), and wished him, if ever he found himself ill in my Absence, to go to him, for he could cure his Disease as well as myself. The Gentleman lived many Years and was never troubled after.

Self Denial.

'TIS much the Doctrine of the times, that Men should not please themselves, but deny themselves every thing they take delight in; not look upon Beauty, wear no good Clothes, eat no good Meat, *&c.* which seems the greatest Accusation that can be upon the Maker of all good things. If they be not to be used, why did God make them? The truth is, they that preach against them cannot make use of them theirselves, and then again, they get Esteem by seeming to condemn them. But mark it while you live, if they do not please themselves as much as they can; and we live more by Example than Precept.*

Duel.

A DUEL may still be granted in some Cases by the Law of *England*, and only there. That the Church allowed it Anciently, appears by this: in their public Liturgies there were

* We live more by example than precept, and show our lives more in what we *do* than what we *say*.

Prayers appointed for the Duellists to say; the Judge used to bid them go to such a Church and pray, *&c.* But whether is this Lawful? If you grant any War Lawful, I make no doubt but to convince it. War is Lawful, because God is the only Judge between two, that are Supreme.* Now if a Difference happen between two Subjects, and it cannot be decided by Human Testimony, why may they not put it to God to Judge between them by the Permission of the Prince? Nay, what if we should bring it down for Argument's sake, to the Swordmen? One gives me the Lie, 'tis a great disgrace to take it; the Law has made no Provision to give Remedy for the Injury, if you can suppose any thing an Injury for which the Law gives no Remedy: why am not I in this Case Supreme, and may therefore right myself?†

2. A Duke ought to fight with a Gentleman. The Reason is this: the Gentleman will say to the Duke 'tis True, you hold a higher Place in the State than I: there's a great distance between you and me, but your Dignity does not Privilege you to do me an Injury; as

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* This is the reading of the MS. in the Harleian collection. The original Edition has "two that *is* supreme." The meaning appears to be two that acknowledge no common jurisdiction.

† But Selden has himself remarked in his treatise of "the Duello or Single-Combat," chap. IV. That the divine law and Christianity teach otherwise. One of the most satisfactory evidences of advancing civilization in a right direction is the unfrequency of this hateful practice among us. Paley has truly said, "Murder is forbidden; and wherever human life is taken away, otherwise than by public authority, there is murder."—*Moral and Political Philosophy*, vol. i. p. 270.

soon as ever you do me an Injury, you make yourself my equal; and as you are my equal I challenge you; and in sense the Duke is bound to Answer him. This will give you some Light to understand the Quarrel betwixt a Prince and his Subjects. Though there be a vast Distance between him and them, and they are to obey him, according to their Contract, yet he hath no power to do them an Injury: then they think themselves as much bound to vindicate their Right, as they are to obey his Lawful Commands; nor is there any other measure of Justice left upon Earth but Arms.

Epitaph.

AN *Epitaph* must be made fit for the Person for whom it is made. For a Man to say all the Excellent things that can be said upon one, and call that his *Epitaph*, is as if a Painter should make the handsomest Piece he can possibly make, and say 'twas my Picture. It holds in a Funeral Sermon.

Equity.

EQUITY in Law, is the same that the Spirit is in Religion, what every one pleases to make it. Sometimes they go according to Conscience, sometimes according to Law, sometimes according to the Rule of Court.

2. Equity is a Roguish thing: for Law we have a measure, know what to trust to; Equity is according

to the Conscience of him that is Chancellor, and as that is larger or narrower, so is Equity. 'Tis all one as if they should make the Standard for the measure, we call a Foot, a Chancellor's Foot; what an uncertain Measure would this be? One Chancellor has a long Foot, another a short Foot, a Third an indifferent Foot: 'Tis the same thing in the Chancellor's Conscience.

3. That saying, "Do as you would be done to," is often misunderstood, for 'tis not thus meant, that I a private Man should do to you a private Man as I would have you to me, but do, as we have agreed to do one to another by public Agreement. If the Prisoner should ask the Judge, whether he would be content to be hanged, were he in his case, he would answer no. Then says the Prisoner, do as you would be done to. Neither of them must do as private Men, but the Judge must do by him as they have publicly agreed; that is, both Judge and Prisoner have consented to a Law, that if either of them steal, they shall be hanged.

Evil Speaking.

HE that speaks ill of another, commonly before he is aware, makes himself such a one as he speaks against; for if he had Civility or Breeding he would forbear such kind of Language.

2. A gallant Man is above ill words: an Example we have in the old Lord of *Salisbury*, who was a great wise Man. *Stone* had call'd some Lord about Court, Fool; the Lord complains, and has *Stone* whipt: *Stone*

cries, I might have called my Lord of *Salisbury* Fool often enough, before he would have had me whipt.*

3. Speak not ill of a great Enemy, but rather give him good words, that he may use you the better, if you chance to fall into his Hands. The *Spaniard* did this when he was dying. His Confessor told him (to work him to Repentance) how the Devil tormented the wicked that went to Hell: the *Spaniard* replying, called the Devil my Lord. I hope my Lord the Devil is not so cruel, his Confessor reproved him. Excuse me said the *Don*, for calling him so, I know not into what

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* Whipping was the punishment generally inflicted. Lear threatens his fool with the whip. "Every one knows, says Mr. Douce, the disgraceful conduct of Archbishop Laud to poor Archee. As Laud was proceeding to the council, the jester accosted him with 'Wha's foule now? doth not your Grace hear the news from Striveling about the Liturgy?' This was not to be pardoned either by the prelate or his master, and the records of the council, March 11, 1637-8, tell us that Archibald Armstrong, the king's fool, for certain scandalous words of a high nature spoken by him against the Lord Archbishop of Canterbury his grace, shall have his coat pulled over his head, and be discharged the king's service, and banished the court." See Rushworth, part ii. vol. i. p. 471. Bruntome, "*Dames Galantes*" ad fin. relates a story of a fool belonging to Elizabeth of France, who got a whipping in the kitchen for a licentious speech to his mistress. The haughty Duke D'Espernon was however more discreet; his Gascon accent was a constant source of raillery on the part of Maret, the fool of Lewis XIII., whose talent lay in mimicry. Richelieu admonished the Duke to get rid of his provincial tones, at the same time counterfeiting his manner, and sarcastically entreated him not to take the advice in bad part. "Why should I," replied the Duke, "when I bear as much every day from the King's fool who mocks me in your presence?"—*Vigneul de Marville, Mélanges*, ii. 50.

Hands I may fall, and if I happen into his, I hope he will use me the better, for giving him good words.

*Excommunication.**

THAT place they bring for Excommunication, "put away from among yourselves that wicked Person," 1 *Cor.* v. *Chap.* 13 *Verse* is corrupted in the *Greek:* for it should be, τὸ πονηρὸν, put away that Evil from among you, not τὸν πονηρὸν, that Evil Person, besides, ὁ πονηρὸς is the Devil in Scripture, and it may be so taken there; and there is a new Edition of *Theodoret* come out, that has it right τὸ πονηρὸν. 'Tis true the Christians before the Civil State became Christian, did by Covenant and Agreement set down how they should live, and he that did not observe what they agreed upon, should come no more amongst them, that is, be Excommunicated. Such Men are spoken of by the *Apostle* [*Romans* i. 31.] whom he calls ἀσυνθέτους καὶ ἀσπόνδους, the Vulgate has it *Incompositos et sine fœdere,* the last word is pretty well, but the first not at all. *Origen* in his Book

* All this was argued by Selden in the Assembly of Divines, March, 1644-5. The Presbyterians claiming the Keys of Heaven to retain or remit sins—to exclude from Sacrament, &c. (See articles "Sacrament," "Synod," "Assembly.") At last it was decided that the Presbyterian Synods might have the power to suspend from Sacrament, &c. but always subject to the final decision of Parliament if an appeal were made. The Presbyterians protest against this vote; and are warned that they have violated the Privileges of Parliament, and come under a Præmunire.

against *Celsus*, speaks of the Christians' συνθήκη: the Translation renders it *Conventus*, as [if] it signifies a Meeting, when it is plain it signifies a Covenant, and the *English* Bible turned the other Word well, "Covenant-breakers." *Pliny* tells us, the Christians took an Oath amongst themselves to live thus and thus.*

2. The other place,† *Dic Ecclesiæ* Matth. xviii. 17, *tell the Church*, is but a weak Ground to raise Excommunication upon, especially from the Sacrament, the lesser Excommunication; since when that was spoken, the Sacrament was [not‡] instituted. The *Jews' Ecclesia* was their *Sanhedrim*, their Court: so that the meaning is, if after once or twice *Admonition*, this Brother will not be reclaimed, bring him thither.

3. The first Excommunication§ was 180 Years after

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* Plinii Epistol. lib. x. p. 97.

† The arguments here used are mostly taken from the learned work of Thomas Erastus, a physician of the palatinate, upon Ecclesiastical power, to which he denies all temporal jurisdiction. The title is rather a long one: "Explicatio Gravissimæ Questionis utrum Excommunicatio, quatenus Religionem intelligentes et amplexantes, à Sacramentorum usu, propter admissum facinus arcet; mandato nitatur Divino, an excogitata sit ab hominibus." Pesclavii, 1589, 4to. Thus in his 51st Thesis: "Dic Ecclesiæ non aliud significare, quàm dic populi tui, Magistri tui (seu qui ejusdem sit religionis) antequam apud profanum Magistratum cum fratre tuo litiges: Ut Apost. Paulus in 1 ed. Cor. vi. cap. ubi propter hunc causam arbitros ex suo ordine eos jubet eligere, pulcherrimè exponit. Quis autem dubitat, hoc locum habere non posse, ubi magistratum Deus nobis largitur pium?"

Selden was called an Erastian by his opponents.

‡ The word *not* is erroneously omitted in all previous editions. See Matth. xvii. 17.

§ Always an enemy to the usurpations of Ecclesiastical au-

Christ, and that by Victor, Bishop of *Rome:* but that was no more than this, that they should Communicate and receive the Sacrament amongst themselves, not with those of the other Opinion; the Controversy, (as I take it,) being about the Feast of *Easter*. Men do not care for Excommunication, because they are shut

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thority, when the points of Excommunication and suspension from the Sacrament, as part of the discipline in the new establishment of Religion, were debated in the House, September 3, 1645, Selden gave his opinion on the subject; and Whitelock, in his Memorials, has given the following outline of his argument:

"That for 4000 years there was no sign of any law to suspend persons from religious exercises:—that under the law every sinner was *Eo nomine*, to come and offer, as he was a sinner; and no priest or other authority had to do with him, unless it might be made to appear to them whether another did repent or not, which was hard to be done. Strangers were kept away from the Passover, but they were pagans. The question is not now for keeping pagans in times of Christianity, but protestants from protestant worship. No Divine can show that there is any such command as this, to suspend from the Sacrament. No man is kept from the Sacrament, *eo nomine*, because he is guilty of any sin, by the constitution of the reformed Churches, or because he hath not made satisfaction. Every man is a sinner; the difference is only that one is a sinner in private, the other in public: the one is as much against God as the other. *Dic Ecclesiæ* in St. Matthew meant the courts of law which then sat in Jerusalem. No man can show any Excommunication till the popes Victor and Zephyrinus, 200 years after Christ, first began to use it in private quarrels: whence Excommunication is but a human invention: it was taken from the heathen."

Dr. Aikin has justly observed that Selden could not have more explicitly declared himself against that spirit of Ecclesiastical dominion which began to characterise the new rulers, and which provoked Milton to exclaim

New *presbyter* is but old *priest* writ large.

out of the Church, or delivered up to *Satan*, but because the Law of the Kingdom takes hold of them. After so many Days a Man cannot Sue, no not for his Wife, if you take her from him; and there may be as much reason, to grant it for a small Fault, if there be contumacy, as for a great one. In *Westminster Hall* you may Out-law a Man for forty Shillings, which is their Excommunication, and you can do no more for Forty Thousand Pound.

4. When *Constantine* became Christian, he so fell in love with the Clergy, that he let them be Judges of all things; but that continued not above three or four Years, by reason they were to be Judges of Matters they understood not, and then they were allowed to meddle with nothing but Religion. All Jurisdiction belonged to him, and he scanted them out as much as he pleased, and so things have since continued. They Excommunicate for three or four Things; matters concerning Adultery, Tithes, Wills, *&c.*, which is the civil Punishment the State allows for such Faults. If a Bishop Excommunicate a Man for what he ought not, the Judge has Power to absolve, and punish the Bishop: if they had that Jurisdiction from God, why does not the Church Excommunicate for Murder, for Theft? If the Civil Power might take away all but three Things, why may they not take them away too? If this Excommunication were taken away, the Presbyters would be quiet; 'tis that they have a mind to, 'tis that they would fain be at. Like the Wench that was to be Married: she asked her Mother when 'twas done, if she should go to Bed presently. No, says her Mother,

you must dine first. And then to Bed Mother? No, you must dance after Dinner. And then to Bed Mother? No, you must go to Supper. And then to Bed Mother? *&c.*

Faith and Works.

IT WAS an unhappy Division that has been made between Faith and Works. Tho' in my Intellect I may divide them, just as in the Candle I know there is both Light and Heat; but yet put out the Candle, and they are both gone; one remains not without the other: So 'tis betwixt Faith and Works. Nay, in a right Conception, *Fides est opus;* if I believe a thing because I am commanded, that is *Opus.*

Fasting-Days.

WHAT the Church debars us one Day, she gives us leave to take out in another. First we fast, and then we feast; first there is a Carnival, and then a Lent.

2. Whether do Human Laws bind the Conscience? If they do, 'tis a way to ensnare: If we say they do not, we open the Door to disobedience. *Answer.* In this Case we must look to the Justice of the Law, and intention of the Law-giver: if there be no Justice in the Law, 'tis not to be obeyed; if the intention of the Law-giver be absolute, our obedience must be so too. If the intention of the Law-giver enjoin a Penalty as a

Compensation for the Breach of the Law, I sin not if I submit to the Penalty; if it enjoin a Penalty, as a further enforcement of Obedience to the Law, then ought I to observe it, which may be known by the often repetition of the Law. The way of fasting is enjoined unto them, who yet do not observe it. The Law enjoins a Penalty as an enforcement to Obedience; which intention appears by the often calling upon us, to keep that Law by the King, and the Dispensation of the Church to such as are not able to keep it, as young Children, old Folks, diseased Men, *&c.*

Fathers and Sons.

IT hath ever been the way for Fathers, to bind their Sons. To strengthen this by the Law of the Land, every one at Twelve Years of Age is to take the Oath of Allegiance in Court-Leets, whereby he swears Obedience to the King.

Fines.

THE old Law was, that when a Man was Fined, he was to be Fined *Salvo Contenemento*, so as his Countenance might be safe, taking Countenance in the same sense as your Country man does, when he says, if you will come unto my House, I will show you the best Countenance I can; that is, not the best Face, but the best Entertainment. The meaning of the Law was, that so much

should be taken from a Man, such a gobbet sliced off, that yet notwithstanding he might live in the same Rank and Condition he lived in before; but now they fine men ten times more than they are worth.

Free-will.

THE *Puritans* who will allow no Free-will at all, but God does all, yet will allow the Subject his Liberty to do or not to do, notwithstanding the King, the God upon Earth. The *Arminians*, who hold we have Free-will, yet say, when we come to the King, there must be all Obedience, and no Liberty to be stood for.

Friars.

THE Friars say they possess nothing: whose then are the Lands they hold? not their Superior's, he hath vowed Poverty as well as they. Whose then? To answer this, 'twas decreed they should say they were the Pope's. And why must the Friars be more perfect than the Pope himself?

2. If there had been no Friars *Christendom* might have continued quiet, and things remained at a stay.

If there had been no Lecturers, which succeed the Friars in their way, the Church of *England* might have stood and flourished at this Day.

Friends.

OLD Friends are best. King *James* used to call for his old Shoes; they were easiest for his Feet.

Genealogy of Christ.

THEY that say the Reason why *Joseph's* Pedigree is set down, and not *Mary's*, is, because the Descent from the Mother is lost, and swallowed up, say something; but yet if a *Jewish* Woman, married with a *Gentile*, they only took Notice of the Mother, not of the Father. But they that say they were both of a Tribe,* say nothing; for the Tribes might marry one with another, and the Law against it was only Temporary, in the Time while *Joshua* was dividing the Land, lest the being so long about it, there might be a confusion.

2. That Christ was the Son of *Joseph* is most exactly true. For though he was the Son of God, yet with the *Jews*, if any Man kept a Child, and brought him up, and called him Son, he was taken for his Son; and his Land (if he had any) was to descend upon him; and therefore the Genealogy of *Joseph* is justly set down.

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* *They were both of a tribe*, and therefore only the genealogy of one was put down, as such marriage was unlawful, &c.

This point is discussed in the 18th chap. of Selden's Treatise De Successionibus ad Leges Ebræorum.

Gentlemen.

WHAT a Gentleman is, 'tis hard with us to define. In other Countries he is known by his Privileges; in *Westminster*-Hall he is one that is reputed one; in the Court of Honour, he that hath Arms. The King cannot make a Gentleman of Blood. What have you said? Nor God Almighty: but he can make a Gentleman by Creation. If you ask which is the better of these two, Civilly, the Gentleman of Blood, Morally, the Gentleman by Creation may be the better; for the other may be a Debauched Man, this a Person of worth.

2. Gentlemen have ever been more Temperate in their Religion, than the common People, as having more Reason, the others running in a hurry. In the beginning of Christianity, the Fathers writ *Contra gentes,* and *Contra Gentiles;* they were all one: But after all were Christians, the better sort of People still retained the Name of Gentiles, throughout the four Provinces of the *Roman Empire;* as *Gentil-homme* in *French, Gentil-huomo* in *Italian, Gentil-hombre* in *Spanish,* and *Gentil-man* in *English:* and they, no question, being Persons of Quality, kept up those Feasts which we borrow from the Gentiles; as *Christmas, Candlemas, May-day,* &c. continuing what was not directly against Christianity, which the common People would never have endured.

Gold.

THERE are two Reasons, why these Words *(Jesus autem transiens per medium eorum ibat)** were about our old Gold: the one is, because *Ripley*, the Alchymist, when he made Gold

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* We have the following account in Camden's Remains:

"The first gold that K. Edward III. coyned was in the yeare 1343, and the pieces were called *Florences*, because Florentines were the coyners. Shortly after he coyned *Nobles*, of noble faire and fine gold; afterwards the *Rose-Noble* then current for 6 shillings and 8 pence, and which our Alchymists do affirme (as an unwritten verity) was made by projection or multiplication Alchymicall of *Raymund Lully* in the Tower of London, who would prove it as Alchymically, beside the tradition of the Rabbies in that faculty, by the inscription; for as upon the one side there is the King's image in a ship, to notifie that he was the Lord of the Seas, with his titles; set upon the reverse a cross fleury with *Lioneeux*; inscribed, Jesus, autem *transiens per medium illorum ibat*. Which they profoundly expound, as Jesus passed invisible and in most secret manner by the middest of the Pharisees, so that gold was made by invisible and secret art among the ignorant. But others say, that text was only one of the Amulets used in that credulous warfaring age to escape dangers in battle."

Lenglet du Fresnoy, in his History of Hermetic Philosophy, after mentioning Camden's and Selden's account says: "mais je n'ai jamais lu en aucun endroit que les artistes de la science Hermétique s'en soient servi de ces devises pour les accommoder à leur art; en voici une explication plus simple.

Raymond Lulle après son opération trouva moyen de s'evader de la Tour de Londres, ou il étoit detenu; et avec un barque, ou un vaisseau, il sçut franchir le passage de la mer et sortir de l'Angleterre, sans qu'on s'en appercut. C'est à quoi se rapportent ces paroles de l'Evangile, ou Edouard paroit insinuer, que l'auteur de la matiere de ces pieces d'or avoit passé au travers de ses vais-

in the *Tower*, the first time he found it he spoke these Words, *per medium eorum*, that is, *per medium Ignis et Sulphuris*. The other, because these Words were thought to be a Charm, and that they did bind whatsoever they were written upon, so that a Man could not take it away. To this Reason I rather incline.

Hall.

THE Hall was the Place where the great Lord used to eat, (wherefore else were the Halls made so big?) Where he saw all his Servants and Tenants about him. He eat not in private, except in time of sickness: when once he became a thing cooped up, all his greatness was spoiled. Nay the King himself used to eat in the Hall, and his Lords sat with him, and then he understood Men.

Hell

THERE are two Texts for Christ's descending into Hell:* the one *Psal.* xvi. the other *Acts* ii. where the Bible that was in

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seaux, comme Jesus Christ fait au milieu de ses Disciples, sans qu'on le vît, ou sans qu'on le connut.

Il est vrai cependant, que ce ne fut que sous Edouard III. ou V. que l'on commença en Angleterre à frapper des monnoyes d'or; mais ce pourroit être de celui que Raymond avoit fait sous le regne précedent, ou de celui que Cremer, instruit par Raymond Lulle, pouvoit avoir produit à ce prince, sous lequel il a vécu.

* *The descent into Hell.*—For much upon this controverted

use when the Thirty Nine Articles were made has it *Hell*. But the Bible that was in Queen *Elizabeth's* time, when the Articles were confirmed, reads it *Grave;* and so it continued till the new Translation in King *James's* time, and then 'tis *Hell* again. But by this we may gather the Church of *England* declined as much as they could, the descent, otherwise they never would have altered the Bible.

2. *He descended into Hell.* This may be the Interpretation of it. He may be dead and buried, then his Soul ascended into Heaven. Afterwards he descended again into *Hell*,* that is, into the Grave, to fetch his Body, and to rise again. The Ground of this Interpretation is taken from the Platonic Learning, who held a Metempsychosis, and when the Soul did descend from Heaven to take another Body, they called it Κατάβασιν εἰς ᾅδην, taking ᾅδης for the lower World, the State of Mortality. Now the first Christians many of them were Platonic Philosophers, and no question spake such Language as was then understood amongst them. To understand by *Hell* the Grave is no Tautology; because the Creed first tells what Christ suffered, *He was Crucified, Dead, and Buried;* then it tells us what he did, *He descended into Hell, the third day he rose again, he ascended,* &c.

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point see the Appendix to Parr's Life of Usher, p. 23, et seq. Archbishop Usher's opinion was very much that expressed by Selden.

* In Edward the Sixth's Articles it was "went down to hell to preach to the spirits there."

Holy Days.

THEY* say the Church imposes Holy-Days. There's no such thing, though the Number of Holy-days is set down in some of our Common-Prayer Books. Yet that has relation to an Act of Parliament, which forbids the keeping of any Holy-Days in time of Popery; but those that are kept, are kept by the Custom of the Country; and I hope you will not say the Church imposes that.

Humility.

HUMILITY is a Virtue all preach, none practise, and yet every body is content to hear. The Master thinks it good Doctrine for his Servant, the Laity for the Clergy, and the Clergy for the Laity.

2. There is *Humilitas quædam in Vitio.* If a Man does not take notice of that excellency and perfection that is in himself, how can he be thankful to God, who is the Author of all excellency and perfection? Nay, if a Man hath too mean an Opinion of himself, 'twill render him unserviceable both to God and Man.

3. Pride may be allowed to this or that degree, else a Man cannot keep up his Dignity. In Gluttony there must be Eating, in Drunkenness there must be drinking: 'tis not the eating, nor 'tis not the drinking that is to be blamed, but the Excess. So in Pride.

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* "*They*," i. e. the Laudites.

Idolatry.

IDOLATRY is in a Man's own thought, not in the Opinion of another. Put case I bow to the Altar, why am I guilty of Idolatry? because a stander by thinks so? I am sure I do not believe the Altar to be God; and the God I worship may be bow'd to in all Places, and at all times.

Jews.

GOD at the first gave Laws to all Mankind, but afterwards he gave peculiar Laws to the *Jews*, which they were only to observe. Just as we have the Common Law for all *England*, and yet you have some Corporations that besides have peculiar Laws and Privileges to themselves.

2. Talk what you will of the *Jews*, that they are cursed, they thrive where e'er they come, they are able to oblige the Prince of their Country, by lending him Money; none of them beg, they keep together, and for their being hated, my life for yours, Christians hate one another as much.

Invincible Ignorance.

THIS all one to me if I am told of Christ, or some Mystery of Christianity, if I am not capable of understanding, as if I am not told at all; my Ignorance is as invincible; and there-

fore 'tis vain to call their Ignorance only invincible, who never were told of Christ. The trick of it is to advance the Priest, whilst the Church of *Rome* says a Man must be told of Christ by one thus and thus ordained.

Images.

THE Papists' taking away the second Commandment, is not haply so horrid a thing, nor so unreasonable amongst Christians as we make it; for the *Jews* could make no figure of God, but they must commit Idolatry, because he had taken no shape; but since the Assumption of our flesh, we know what shape to picture God in. Nor do I know why we may not make his Image, provided we be sure what it is: as we say St. *Luke* took the picture of the Virgin *Mary*, and St. *Veronica* of our Saviour. Otherwise it would be no honour to the King, to make a Picture, and call it the King's Picture, when 'tis nothing like him.

2. Though the learned Papists pray not to Images, yet 'tis to be feared the ignorant do; as appears by that Story of St. *Nicholas* in *Spain*. A Countryman used to offer daily to St. *Nicholas's* Image, at length by mischance the Image was broken, and a new one made of his own Plum-Tree; after that the Man forebore: being complained of to his Ordinary, he answered, 'tis true, he used to offer to the old Image, but to the new he could not find in his heart, because he knew 'twas a piece of his own Plum-Tree. You see what Opinion this Man had of the Image; and to this tended

the bowing of their Images, the twinkling of their Eyes, the Virgin's Milk, &c. Had they only meant representations, a Picture would have done as well as these Tricks. It may be with us in *England* they do not worship Images, because living amongst Protestants they are either laughed out of it, or beaten out of it by shock of Argument.

3. 'Tis a discreet way concerning Pictures in Churches, to set up no new, nor to pull down no old.

Imperial Constitutions.

THEY say Imperial Constitutions did only confirm the Canons of the Church; but that is not so, for they inflicted Punishment, when the Canons never did: *viz.* If a Man converted a Christian to be a *Jew*, he was to forfeit his Estate, and lose his Life. In *Valentine's* Novels, 'tis said, *Constat Episcopus Forum Legibus non habere, et judicant tantum de Religione.**

Imprisonment.

SIR *Kenelm Digby* was several times taken and let go again, at last imprisoned in *Winchester House*. I can compare him to nothing but a great Fish that we catch and let go again, but still he will come to the Bait; at last therefore we put him into some great Pond for Store.

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* Leges Novellæ Divi Valentinianæ, A. tit. XII.

Incendiaries.

FANCY to yourself a Man sets the City on Fire at *Cripplegate*, and that Fire continues, by means of others, till it come to *White-Friars*, and then he that began it would fain quench it: does not he deserve to be punished most that first set the City on Fire? So 'tis with the Incendiaries of the State. They that first set it on Fire, by Monopolizing, Forest Business,* Imprisoning Parliament Men *tertio Caroli, &c.* are now become regenerate, and would fain quench the Fire. Certainly they deserve most to be punished, for being the first Cause of our Distractions.

Independency.

INDEPENDENCY is in use at *Amsterdam*, where forty Churches or Congregations have nothing to do one with another. And 'tis no question agreeable to the Primitive times, before the Emperor became Christian. For either we must say every Church governed itself, or else we must fall upon that old foolish Rock, that St. *Peter* and his Successors governed all. But when the Civil State became Christian, they appointed who should govern them; before they governed by agreement and consent: if you will not do this, you shall come no more amongst us. But both the Independent Man, and the Presbyterian

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* *Forest business*, encroachments of the King's lands on the Subject's. Decided by jury under direction of corrupt Judges.

Man, do equally exclude the Civil Power, though after a different manner.

2. The Independents may as well plead, they should not be subject to Temporal Things, not come before a Constable, or a Justice of Peace, as they plead they should not be Subject in Spiritual things, because St. *Paul* says, *Is it so, that there is not a wise Man amongst you?**

3. The Pope challenges all Churches to be under him, the King and the two Archbishops challenge all the Church of *England* to be under them. The Presbyterian Man divides the Kingdom into as many Churches as there be Presbyteries; and your Independent would have every Congregation a Church by itself.

Things Indifferent.

N time of a Parliament, when things are under debate, they are indifferent; but in a Church or State settled, there's nothing left indifferent.

Public Interest.

LL might go well in a Commonwealth, if every one in the Parliament would lay down his own Interest, and aim at the general good. If a man were sick and the whole College of Physicians should come to him, and administer severally, haply so long as they observed the Rules of Art

* 1 Corinthians, ch. vi. v. 5.

he might recover; but if one of them had a great deal of Scamony by him, he must put off that, therefore he prescribes Scamony. Another had a great deal of Rhubarb, and he must put off that, and therefore he prescribes Rhubarb, *&c.* they would certainly kill the Man. We destroy the Commonwealth, while we preserve our own private Interests, and neglect the public.

Human Invention.

YOU say there must be no Human Invention in the Church, nothing but the pure Word. *Answer.* If I give any Exposition, but what is expressed in the Text, that is my Invention; if you give another Exposition, that is your Invention, and both are Human. For Example, suppose the Word Egg were in the Text, I say, 'tis meant an Hen-Egg, you say a Goose-Egg; neither of these are exprest, therefore they are Human Inventions; and I am sure the newer the Invention the worse; old Inventions are best.

2. If we must admit nothing but what we read in the Bible, what will become of the Parliament? for we do not read of that there.

Judgments.

WE cannot tell what is a Judgment of God; 'tis presumption to take upon us to know.* In time of Plague we know we want Health,

* See Spencer on Prodigies, 1685, 8vo. p. 348.

and therefore we pray to God to give us Health: in time of War we know we want Peace, and therefore we pray to God to give us Peace. Commonly we say a Judgment falls upon a Man for something in him we cannot abide. An example we have in King *James*, concerning the Death of *Henry* the Fourth of *France:* one said he was killed for his Wenching, another said he was killed for turning his Religion. No, says King *James* (who could not abide fighting), he was killed for permitting Duels in his Kingdom.

Judge.

WE see the Pageants in *Cheapside*, the Lions, and the Elephants, but we do not see the Men that carry them: we see the Judges look big, look like Lions, but we do not see who moves them.*

2. Little things do great works, when the great things will not. If I should take a Pin from the Ground, a little pair of Tongs will do it, when a great pair will not. Go to a Judge to do a business for you, by no means he will not hear of it; but go to some small Servant about him, and he will dispatch it according to your heart's desire.

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* The Judges almost unanimously sanctioned Charles's right to Ship-Money and other extortions. When Selden and others sued to be admitted to be bailed out of the Tower, in 1629, Sir Robert Heath, Attorney General, said to the Judges: "I am confident that you will not bail them if any danger may ensue; but first you are to consult with the King; and he will show you where the danger lies."

3. There could be no mischief in the Common-Wealth without a Judge. Though there be false Dice brought in at the Groom-Porters,* and cheating offered, yet unless he allow the cheating, and judge the Dice to be good, there may be hopes of fair Play.

Juggling.

THIS not Juggling that is to be blamed, but much Juggling; for the World cannot be Governed without it. All your Rhetoric, and all your Elenchs in Logic come within the compass of Juggling.

Jurisdiction.

THERE'S no such Thing as Spiritual Jurisdiction; all is Civil; the Church's is the same with the Lord Mayor's. Suppose a Christian came into a Pagan Country, how can you fancy he shall have any Power there? he finds fault with the Gods of the Country; well, they will put him to death for it: when he is a Martyr, what follows? Does that argue he has any spiritual Jurisdiction? If the

* An Office of the Royal household succeeding, it is said, to the Master of the Revels. He used to keep a Gaming Table at Christmas. It should appear that this custom was abolished in or about the year 1700, when a poem was published, with the following title:

"An Elegiack Essay upon the Decease of the Groom-Porter, and the Lotteries," fol. 1700.

Clergy say the Church ought to be governed thus, and thus, by the Word of God, that is Doctrinal,* that is not Discipline.

2. The Pope he challenges Jurisdiction over all; the Bishops they pretend to it as well as he; the Presbyterians they would have it to themselves; but over whom is all this? the poor Laymen.

Jus Divinum.

ALL things are held by *Jus Divinum*, either immediately or mediately.

2. Nothing has lost the Pope so much in his Supremacy, as not acknowledging what Princes gave him. 'Tis a scorn upon the Civil Power, and an unthankfulness in the Priest. But the Church runs to *Jus divinum*, lest if they should acknowledge that what they have, they have by positive Law, it might be as well taken from them as given to them.

King.

A KING is a thing Men have made for their own Sakes, for quietness-sake. Just as in a Family one Man is appointed to buy the Meat: if every Man should buy, or if there were many buyers, they would never agree, one would buy what the other liked not, or what the other had bought be-

* Original edition, that is *doctrine all.*

fore, so there would be a confusion. But that Charge being committed to one, he according to his Discretion pleases all; if they have not what they would have one day, they shall have it the next, or something as good.

2. The word King directs our Eyes; suppose it had been Consul, or Dictator. To think all Kings alike is the same folly, as if a Consul of *Aleppo* or *Smyrna* should claim to himself the same Power that a Consul at *Rome* [had.]* What! am not I a Consul? or a Duke of *England* should think himself like the Duke of *Florence;* nor can it be imagined, that the word Βασιλεὺς did signify the same in *Greek* as the *Hebrew* Word כלר did with the *Jews.* Besides, let the Divines in their Pulpits say what they will, they in their practice deny that all is the King's: they sue him, and so does all the Nation, whereof they are a part. What matter is it then what they Preach or Teach in the Schools?

3. Kings are all individual, this or that King, there is no Species of Kings.

4. A King that claims Privileges in his own Country, because they have them in another, is just as a Cook, that claims Fees in one Lord's House, because they are allowed in another. If the Master of the House will yield them, well and good.

5. The Text *Render unto Cæsar the things that are Cæsar's,* makes as much against Kings, as for them; for it says plainly that some things are not *Cæsar's.* But Divines make choice of it, first in Flattery, and then because of the other part adjoined to it *Render*

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* *Had* is omitted in original edition.

unto God the things that are God's, where they bring in the Church.

6. A King outed of his Country, that takes as much upon him as he did at home in his own Court, is as if a Man on high, and I being upon the Ground, used to lift up my voice to him, that he might hear me, at length should come down, and then expects I should speak as loud to him as I did before.

King of England.

THE King can do no wrong; that is, no Process can be granted against him. What must be done then; Petition him, and the King writes upon the Petition *soit droit fait,* and sends it to the Chancery, and then the business is heard. His Confessor will not tell him, he can do no wrong.

2. There's a great deal of difference between Head of the Church, and Supreme Governor, as our Canons call the King. Conceive it thus: there is in the Kingdom of *England* a College of Physicians; the King is Supreme Governor of those, but not Head of them, nor President of the College, nor the best Physician.

3. After the Dissolution of Abbeys, they did not much advance the King's Supremacy, for they only cared to exclude the Pope: hence have we had several Translations of the Bible put upon us. But now we must look to it, otherwise the King may put upon us what Religion he pleases.

4. 'Twas the old way when the King of *England* had

his House, there were Canons to sing Service in his Chapel; so at *Westminster* in St. *Stephen's* Chapel where the House of Commons sits: from which Canons the Street called *Canon-row* has its Name, because they lived there; and he had also the Abbot and his Monks, and all these the King's House.

5. The three Estates* are the Lords Temporal, the Bishops are the Clergy, and the Commons, as some would have it. Take heed of that, for then if two agree, the third is involved; but he is King of the three Estates.

6. The King hath a Seal in every Court, and though the Great Seal be called *Sigillum Angliæ*, the Great Seal of *England*, yet 'tis not because 'tis the Kingdom's Seal, and not the King's, but to distinguish it from *Sigillum Hiberniæ*, *Sigillum Scotiæ*.

7. The Court of *England* is much altered. At a solemn Dancing, first you had the grave Measures, then the Corrantoes and the Galliards, and this is kept up with Ceremony; at length to *Trenchmore*, and the Cushion-Dance, and then all the Company dance, Lord and Groom, Lady and Kitchen-Maid, no distinction. So in our Court, in Queen *Elizabeth's* time, Gravity and State were kept up. In King *James's* time things

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* "The three Estates." "This division of estates is countenanced by some old statutes," says Fuller, "and was doubtless well agitated between High Church and Parliament. Some of the aged Bishops (he says) had their tongues so used to the language of a third estate, that more than once they run on that reputed rock in their speeches; for which they were publicly shent, and enjoined an acknowledgment of their mistake."

were pretty well. But in King *Charles's* time, there has been nothing but *Trenchmore,* and the Cushion-Dance, *omnium gatherum* tolly-polly, hoite come toite.

The King.

'TIS hard to make an Accommodation between the King and the Parliament. If you and I fell out about Money, you said I owed you Twenty Pounds, I said I owed you but Ten Pounds, it may be a third Party allowing me Twenty Marks, might make us Friends. But if I said I owed you Twenty Pounds in Silver, and you said I owed you Twenty Pounds of Diamonds, which is a Sum innumerable, 'tis impossible we should ever agree. This is the Case.

2. The King using the House of Commons, as he did Mr. *Pym* and his Company, that is, charging them with Treason, because they charged my Lord of *Canterbury* and Sir *George Ratcliff;* it was just with as much Logic as the Boy, that would have lain with his Grandmother, used to his Father; you lay with my Mother, why should not I lie with yours?

3. There is not the same Reason for the King's accusing Men of Treason, and carrying them away, as there is for the Houses themselves, because they accuse one of themselves. For every one that is accused, is either a Peer, or a Commoner; and he that is accused hath his Consent going along with him; but if the King accuses, there is nothing of this in it.

4. The King is equally abused now as before: then they flattered him and made him do ill things, now they would force him against his Conscience. If a Physician should tell me, every thing I had a mind to was good for me, tho' in truth 'twas Poison, he abused me; and he abuses me as much, that would force me to take something whether I will or no.

5. The King so long as he is our King, may do with his Officers what he pleases; as the Master of the House may turn away all his Servants, and take whom he please.

6. The King's Oath is not security enough for our Property, for he swears to Govern according to Law; now the Judges they interpret the Law, and what Judges can be made to do we know.

7. The King and the Parliament now falling out, are just as when there is foul Play offered amongst Gamesters; one snatches the other's stake; they seize what they can of one another's. 'Tis not to be asked whether it belongs not to the King to do this or that: before when there was fair Play, it did. But now they will do what is most convenient for their own safety. If two fall to scuffling, one tears the other's Band, the other tears his; when they were Friends they were quiet, and did no such thing; they let one another's Bands alone.

8. The King calling his Friends from the Parliament, because he had use of them at *Oxford*, is as if a Man should have use of a little piece of Wood, and he runs down into the Cellar, and takes the Spigot; in

the meantime all the Beer runs about the House; when his Friends are absent, the King will be lost.

Knights Service.

KNIGHTS Service in earnest means nothing, for the Lords are bound to wait upon the King when he goes to War with a Foreign Enemy, with it may be one Man and one Horse; and he that doth not, is to be rated so much as shall seem good to the next Parliament.* And what will that be? So 'tis for a private Man, that holds of a Gentleman.

Land.

WHEN Men did let their Land under foot,† the Tenants would fight for their Landlords, so that way they had their Retribution: but now they will do nothing for them;

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* Some of the early Kings forced their subjects of 20*l.* a year to take the order of knighthood, or exempt themselves by a fine. Elizabeth and James had exercised this right once. Charles at his coronation summoned all of 40*l.* a year to take the order; and in 1630 levied heavy fines on those who did not; raising 100,000*l.* thereby. It is said the Long Parliament soon abolished this and so many other grievances.

Every man is bound by his tenure to defend his Lord; and both he and his Lord the King and his country, &c. See Homage, Coke upon Littleton.

† *Under foot*, i. e. *under value.* Lord Bacon, in speaking of Usury, says, That were it not upon this easie borrowing upon

may be the first, if but a Constable bid them, that shall lay the Landlord by the heels; and therefore 'tis vanity and folly not to take the full value.

2. *Allodium* is a Law Word, contrary to *Feudum*,* and it signifies Land that holds of nobody. We have no such Land in *England*. 'Tis a true Proposition; all the Land in *England* is held, either immediately, or mediately of the King.

Language.

TO a living Tongue new Words may be added, but not to a dead Tongue, as *Latin, Greek, Hebrew, &c.*

2. *Latimer* is the Corruption of *Latiner;* it signifies he that interprets *Latin;* and though he interpreted *French, Spanish,* or *Italian,* he was called the King's *Latiner,* that is, the King's interpreter.

3. If you look upon the Language spoken in the *Saxon* Time, and the Language spoken now, you will find the Difference to be, just as if a Man had a Cloak that he wore plain in Queen *Elizabeth's* Days, and since, here has put in a piece of Red, and there a piece of

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interest, Men's necessities would draw upon them, a most sudden undoing; in that they would be forced to sell their meanes (be it Land or Goods) farre *Under foot. Essay* XLI. *Of Usurie.*

* On the Etymology of the word *Allodial,* which has been largely discussed, there is a copious and interesting article in the "Trésor des Origines" of Charles Pougens under the word *Alleu.*

Blue, and here a piece of Green, and there a piece of Orange-tawny. We borrow Words from the *French*, *Italian*, *Latin*, as every Pedantic Man pleases.

4. We have more Words than Notions, half a dozen words for the same thing. Sometimes we put a new signification to an old word, as when we call a Piece a Gun. The Word Gun was in use in *England* for an Engine, to cast a thing from a Man, long before there was any Gun-powder found out.

5. Words must be fitted to a Man's Mouth. 'Twas well said of the Fellow that was to make a Speech for my Lord Mayor; he desired to take measure of his Lordship's Mouth.

Law.

A MAN may plead not guilty, and yet tell no Lie; for by the Law, no Man is bound to accuse himself; so that when I say Not Guilty, the meaning is, as if I should say by way of paraphrase, I am not so guilty as to tell you; if you will bring me to a Trial, and have me punished for this you lay to my Charge, prove it against me.

2. Ignorance of the Law excuses no man; not that all Men know the Law, but because 'tis an excuse every man will plead, and no Man can tell how to confute him.

3. The King of *Spain* was outlawed in *Westminster-Hall*, I being of Council against him. A Merchant had recovered Costs against him in a Suit, which because he could not get, we advised to have him Out-

lawed for not appearing, and so he was. As soon as *Gondomar* heard that, he presently sent the Money, by reason, if his Master had been Outlawed, he could not have the benefit of the Law, which would have been very prejudicial, there being then many suits depending betwixt the King of *Spain*, and our *English* Merchants.*

4. Every Law is a Contract between the King and the People, and therefore to be kept. A Hundred Men may owe me a Hundred Pounds, as well as any one Man; and shall they not pay me because they are stronger than I? *Objection.* Oh but they lose all if they keep that Law. *Answer.* Let them look to the making of their Bargain. If I sell my Lands, and when I have done, one comes and tells me I have nothing else to keep me. I and my Wife and Children must starve, if I part with my Land; must I not therefore let them have my Land, that have bought it and paid for it?

5. The Parliament may declare Law,† as well as

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* Sir John Leach, when Vice-chancellor in 1819, stated the law of the land to be that foreign monarchs or governments have no peculiar privilege in the courts of law, where they are only considered in the light of private individuals, and can sue and be sued as such.

† *The Parliament may declare.* This may refer to the Lords sitting on appeals, Peerages, &c. or as a Court of Justice, as in Stafford's trial. Or to some such language as this Manifesto put forth by the Parliament against one of the King's in 1642. They declare that "the King alone could not be Judge in this case," (the state of the nation, &c.) "for the King judges not matters of law but by his courts; nor can the Courts of Law be Judges of the state of the Kingdom against the Parliament, because they are inferior. But as the Law is determined by the

any other inferior Court may, (*viz.*) the King's Bench. In that or this particular Case, the King's Bench will declare unto you what the Law is, but that binds no body but whom the Case concerns: so the highest Court, the Parliament may do, but not declare Law, that is, make Law that was never heard of before.

Law of Nature.

I CANNOT fancy to myself what the Law of Nature means, but the Law of God.* How should I know I ought not to steal, I ought not to commit Adultery, unless some body had told me so? Surely 'tis because I have been told so? 'Tis not because I think I ought not to do them, nor because you think I ought not; if so, our minds might change, whence then comes the restraint? From a

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Judges, who are of the King's Council; so the state of the Nation is to be determined by the two Houses of Parliament, who are the proper Judges of the Constitution. If therefore the Lords and Commons in Parliament assembled declare this or the other matter to be Law, or according to the Constitution of the Kingdom, it is not lawful for any single person or inferior court to contradict it."—Resolved: "That when the Lords and Commons, which is the supreme Law of Judicature in the Kingdom shall declare what the Law is—to have this not only questioned but contradicted, and a command that it should not be obeyed, is a high breach of Privilege of Parliament."—*Rushworth*, v. iii. part I. p. 698.

* The reader need scarcely be reminded that Selden has written a learned treatise "De Jure Naturali et Gentium, juxta Disciplinam Ebræorum."

higher Power, nothing else can bind. I cannot bind myself, for I may untie myself again; nor an equal cannot bind me, for we may untie one another: it must be a superior Power, even God Almighty. If two of us make a Bargain, why should either of us stand to it? What need you care what you say, or what need I care what I say? Certainly because there is something about me that tells me *Fides est servanda;* and if we after alter our Minds, and make a new Bargain, there's *Fides servanda* there too.

Learning.

NO Man is the wiser for his Learning: it may administer Matter to work in, or Objects to work upon; but Wit and Wisdom are born with a Man.

2. Most Mens Learning is nothing but History duly taken up. If I quote *Thomas Aquinas* for some Tenet, and believe it, because the School-Men say so, that is but History. Few men make themselves Masters of the things they write or speak.

3. The Jesuits and the Lawyers of *France*, and the Low-Country-men, have engrossed all Learning. The rest of the World make nothing but Homilies.

4. 'Tis observable, that in *Athens* where the Arts flourished, they were governed by a Democracy: Learning made them think themselves as wise as any body, and they would govern as well as others; and they spake as it were by way of Contempt, that in the *East*,

and in the *North* they had Kings, and why? Because the most part of them followed their Business; and if some one Man had made himself wiser than the rest, he governed them, and they willingly submitted themselves to him. *Aristotle* makes the Observation. And as in *Athens* the Philosophers made the People knowing, and therefore they thought themselves wise enough to govern; so does preaching with us, and that makes us affect a Democracy: for upon these two Grounds we all would be Governors, either because we think ourselves as wise as the best, or because we think ourselves the Elect, and have the Spirit, and the rest a Company of Reprobates that belong to the Devil.

Lecturers.

LECTURERS do in a Parish Church what the Friars did heretofore, get away not only the Affections, but the Bounty, that should be bestowed upon the Minister.

2. Lecturers get a great deal of Money, because they preach the People tame, as a Man watches a Hawk;* and then they do what they list with them.

3. The Lectures in *Black-Friars*, performed by Officers of the Army, Tradesmen, and Ministers, is as

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* Hawks were tamed by watching. *Shakespeare* has several allusions to it: *Desdemona* in assuring *Cassio* how she will urge his suit to *Othello*, says:

"I'll watch him tame, and talk him out of patience."

if a great Lord should make a Feast, and he would have his Cook dress one Dish, and his Coachman another, his Porter a third, &c.

Libels.

THOUGH some make slight of *Libels*, yet you may see by them how the Wind sits: as take a Straw and throw it up into the Air, you shall see by that which way the Wind is, which you shall not do by casting up a Stone. More solid Things do not show the Complexion of the times so well, as Ballads and Libels.

Liturgy.

THERE is no Church without a Liturgy, nor indeed can there be conveniently, as there is no School without a Grammar. One Scholar may be taught otherwise upon the Stock of his Acumen, but not a whole School. One or two, that are piously disposed, may serve themselves their own way, but hardly a whole Nation.

2. To know what was generally believed in all Ages, the way is to consult the Liturgies, not any private Man's writing. As if you would know how the Church of *England* serves God, go to the Common-Prayer Book, consult not this nor that Man. Besides, Liturgies never Compliment, nor use high Expressions. The Fathers oft-times speak Oratoriously.

Lords in the Parliament.

THE Lords giving Protections is a scorn upon them. A Protection means nothing actively, but passively; he that is a Servant to Parliament Man is thereby protected. What a scorn it is to a Person of Honour, to put his Hand to two Lies at once, that such a man is my Servant, and employed by me, when haply he never saw the man in his Life, nor before never heard of him.

2. The Lords protesting* is Foolish. To protest is properly to save to a man's self some Right; but to protest, as the Lords protest, when they their selves are involved, 'tis no more than if I should go into *Smithfield*, and sell my Horse, and take the money, and yet when I have your money, and you my Horse, I should protest this Horse is mine, because I love the Horse, or I do not know why I do protest, because my Opinion is contrary to the rest. Ridiculous! When they say the Bishops did anciently protest, it was only dissenting, and that in the case of the Pope.

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* "*The Lords protesting.*" The Lords (says Clarendon) had an ancient privilege, very rarely used, of entering their names as dissentients from the vote of the majority. But *now* the Puritan Lords would often do it; not simply entering their names, but summing up the matter debated, and protesting "lest mischief should befall the Commonwealth by this Resolution," &c. and this in the Records of the House, so that the Commons saw who was with them and who not.

Lords before the Parliament.

GREAT Lords by reason of their Flatterers, are the first that know their own Virtues, and the last that know their own Vices. Some of them are ashamed upwards, because their Ancestors were too great. Others are ashamed downwards, because they were too little.

2. The *Prior* of St. *John* of *Jerusalem*,* is said to be *Primus Baro Angliæ*, the first Baron of *England*, because being last of the Spiritual Barons, he chose to be first of the Temporal. He was a kind of an Otter, a Knight half Spiritual, and half Temporal.

3. *Quest.* Whether is every Baron a Baron of some Place?

Answ. 'Tis according to his Patent; of late Years they have been made Baron of some Place, but anciently not, called only by their Surname, or the Surname of some Family, into which they have been married.

4. The making of new Lords lessens all the rest. 'Tis in the business of Lords, as it 'twas with St. *Nicolas's* Image: the Country-Man, you know, could not find in his Heart to adore the new Image, made of his own Plum-Tree, though he had formerly worshipped

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* Being generally of noble extraction and a military person.

"So also the Abbot of St. James, by Northampton, may be said to sit but on one hip in Parliament, he appears so in the twilight betwixt a Baron and no Baron in the summons thereunto."—*Fuller.*

the old one. The Lords that are ancient we honour, because we know not whence they come; but the new ones we slight, because we know their beginning.

5. For the *Irish* Lords* to take upon them here in *England*, is as if the Cook in the Fair should come to my Lady *Kent's* Kitchen, and take upon him to roast the Meat there, because he is a Cook in another place.

Marriage.

OF all Actions of a Man's Life, his Marriage does least concern other people, yet of all Actions of our Life 'tis most meddled with by other People.

2. Marriage is nothing but a Civil Contract. 'Tis true, 'tis an Ordinance of God: so is every other Contract; God commands me to keep it when I have made it.

3. Marriage is a desperate thing. The Frogs in *Æsop* were extreme wise; they had a great mind to

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* In 1626 the Lords complained to the King, that whereas they had heretofore, out of courtesy, as to strangers, yielded precedency according to degree, "unto such nobles of Scotland and Ireland as, being in titles above them, have resorted hither; Now divers of the natural born subjects of those Kingdoms resident here with their families, and having their chief estates among us, do, by reason of some late created dignities in those Kingdoms of Scotland and Ireland, claim precedency of the Peers of this Realm, which tends to the disservice of your Majesty, and to the great disparagement of the English Nobility, as by these reasons may appear, &c."—*Rushworth*, i. 237.

some Water, but they would not leap into the Well, because they could not get out again.

4. We single out particulars, and apply God's Providence to them. Thus when two are married and have undone one another, they cry it was God's Providence we should come together, when God's Providence does equally concur to every thing.

*Marriage of Cousin-Germans.**

SOME Men forbear to marry Cousin-Germans out of this kind of scruple of Conscience, because it was unlawful before the Reformation, and is still in the Church of *Rome*. And so by reason their Grand-Father, or their great Grand-Father did not do it, upon that old Score they think they ought not to do it: as some Men forbear Flesh upon *Friday*, not reflecting upon the Statute which with us makes it unlawful, but out of an old Score, because the Church of *Rome* forbids it, and their Fore-fathers always forbore flesh upon that Day. Others forbear it out of a Natural Consideration, because it is observed, for Example, in Beasts, if two couple of a near Kind, the

* On this subject the reader may consult the learned Dissertation of Gothofred. "De Nuptiis Consobrinorum: Ubi Lex celebrandis 19 Cod. de Nuptiis illustratur Arcadioque Imperatore vindicatur," which is subjoined to his Edition of Philostorgius. Genev. 1643, 4to. Also the Works of the memorable John Hales of Eton. Glasgow, 1765, vol. i. p. 145. Wood's Institutes of the Civil Law, p. 47, and Dr. Taylor's Elements, p. 331.

Breed proves not so good. The same Observation they make in Plants and Trees, which degenerate being grafted upon the same Stock. And 'tis also further observed, those Matches between Cousin-germans seldom prove fortunate. But for the lawfulness there is no Colour but Cousin-germans in *England* may marry both by the Law of God and man; for with us we have reduc'd all the Degrees of Marriage to those in the *Levitical-Law*, and 'tis plain there's nothing against it. As for that that is said, Cousin-germans once removed may not Marry, and therefore, seeing* a further degree may not, 'tis presumed a nearer should not; no Man can tell what it means.

Measure of Things.

WE measure from ourselves; and as things are for our use and purpose, so we approve them. Bring a Pear to the Table that is rotten, we cry it down, 'tis naught; but bring a Medlar that is rotten, and 'tis a fine thing; and yet I'll warrant you the Pear thinks as well of itself as the Medlar does.

2. We measure the Excellency of other Men, by some Excellency we conceive to be in ourselves. *Nash* a Poet, poor enough, (as Poets us'd to be,) seeing an Alderman with his Gold Chain, upon his great Horse, by way of scorn, said to one of his Companions, "Do

* The orig. ed. has *being*.

you see yon fellow, how goodly, how big he looks? Why that fellow cannot make a blank Verse."

3. Nay we measure the goodness of God from ourselves; we measure his Goodness, his Justice, his Wisdom, by something we call Just, Good, or Wise in ourselves; and in so doing, we judge proportionably to the Country-fellow in the Play, who said if he were a King, he would live like a Lord, and have Peas and Bacon every day, and a Whip that cried Slash.

Difference of Men.

THE Difference of Men is very great; you would scarce think them to be of the same Species, and yet it consists more in the Affection than in the Intellect. For as in the strength of Body, two Men shall be of an equal strength, yet one shall appear stronger than the other, because he exercises, and puts out his strength, the other will not stir nor strain himself: So 'tis in the strength of the Brain; the one endeavours, and strains, and labours, and studies, the other sits still, and is idle, and takes no pains, and therefore he appears so much the inferior.

Minister Divine.

THE imposition of hands upon the Minister when all is done, will be nothing but a designation of a Person to this or that Office or Employment in the Church. 'Tis a ridiculous Phrase

that of the Canonists *Conferre Ordines.* 'Tis *Coöptare aliquem in Ordinem;* to make a Man one of us, one of our Number, one of our Order. So *Cicero* would understand what I said, it being a Phrase borrowed from the *Latins,* and to be understood proportionably to what was amongst them.

2. Those Words you now use in making a Minister, *receive the Holy Ghost,* were used amongst the *Jews* in making of a Lawyer; from thence we have them, which is a villanous key to something, as if you would have some other kind of Præfecture than a Mayoralty, and yet keep the same Ceremony that was used in making the Mayor.

3. A Priest has no such thing as an indelible Character: what difference do you find betwixt him and another Man after Ordination? Only he is made a Priest, as I said, by Designation; as a Lawyer is called to the Bar, then made a Sergeant. All Men that would get Power over others, make themselves as unlike them as they can; upon the same Ground the Priests made themselves unlike the Laity.

4. A Minister when he is made, is *Materia prima,* apt for any form the State will put upon him, but of himself he can do nothing. Like a Doctor of Law in the University; he hath a great deal of Law in him, but cannot use it till he be made some-body's Chancellor; or like a Physician; before he be received into a house, he can give no-body Physic; indeed after the Master of the house hath given him charge of his Servants, then he may. Or like a Suffragan, that could do nothing but give Orders, and yet he was no Bishop.

5. A Minister should preach according to the Articles of Religion established in the Church where he is. To be a Civil Lawyer let a Man read *Justinian*, and the Body of the Law, to confirm his Brain to that way; but when he comes to practise, he must make use of it so far as it concerns the Law received in his own Country. To be a Physician let a Man read *Galen* and *Hippocrates;* but when he practises, he must apply his Medicines according to the Temper of those Men's Bodies with whom he lives, and have respect to the heat and cold of Climes, otherwise that which in *Pergamus*, where *Galen* lived, was Physic, in our cold Climate may be Poison. So to be a Divine, let him read the whole Body of Divinity, the Fathers and the Schoolmen, but when he comes to practise, he must use it and apply it according to those Grounds and Articles of Religion that are established in the Church, and this with sense.

6. There be four things a Minister should be at; the Conscionary part, Ecclesiastical Story, School Divinity, and the Casuists.

1. In the Conscionary part, he must read all the chief Fathers, both *Latin* and *Greek* wholly: St. *Austin*, St. *Ambrose*, St. *Chrysostom*, both the *Gregories*, &c. *Tertullian*, *Clemens Alexandrinus*, and *Epiphanius;* which last have more Learning in them than all the rest, and writ freely.

2. For Ecclesiastical Story let him read *Baronius*, with the *Magdeburgenses*, and be his own Judge, the one being extremely for the Papists, the other extremely against them.

3. For School Divinity let him get *Cavellus's* Edition of *Scotus* or *Mayro*,* where there be Quotations that direct you to every Schoolman, where such and such Questions are handled. Without School Divinity a Divine knows nothing Logically, nor will be able to satisfy a rational Man out of the Pulpit.

4. The Study of the Casuists must follow the Study of the Schoolmen, because the division of their Cases, is according to their Divinity; otherwise he that begins with them will know little; as he that begins with the study of the Reports and Cases in the Common Law, will thereby know little of the Law. Casuists may be of admirable use, if discreetly dealt with, though among them you shall have many leaves together very impertinent. A Case well decided would stick by a man, they would remember it whether they will or no, whereas a quaint Position dieth in the birth. The main thing is to know where to search; for talk what they will of vast memories, no man will presume upon his own memory for any thing he means to write or speak in public.†

7. *Go and teach all Nations.* This was said to all Christians that then were, before the distinction of Clergy

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* In the original edition it is *Javellus* and *Mayco*, but *Cavellus* was the Editor of Duns Scotus; and there is no doubt that *Franciscus Mayronis*, the renowned follower of *Duns Scotus*, is meant. He was called *Doctor illuminatus et acutus, magister abstractionum.*

† See the very erudite and interesting work of Muretus, Variarum Lectionem Venet. 1559, 4to. lib. iii. cap. 1; *De quorundam admirabilia memoria*; where he relates the well attested wonders achieved by a Corsican of prodigious memory who dwelt near him at Padua.

and Laity; there have been since, Men designed to preach only by the State, as some Men are designed to study the Law, others to study Physic. When the Lord's Supper was instituted, there were none present but the Disciples, shall none then but Ministers receive?

8. There is all the reason you should believe your Minister, unless you have studied Divinity as well as he, or more than he.

9. 'Tis a foolish thing to say Ministers must not meddle with Secular Matters, because his own profession will take up the whole Man: may he not eat, or drink, or walk, or learn to sing? The meaning of that is, he must seriously attend his Calling.

10. Ministers with the Papists, that is their Priests, have much respect; with the Puritans they have much, and that upon the same ground; they pretend both of 'em to come immediately from Christ; but with the Protestants they have very little; the reason whereof is, in the beginning of the Reformation they were glad to get such to take Livings as they could procure by any Invitations, things of pitiful condition. The Nobility and Gentry, would not suffer their Sons or Kindred to meddle with the Church; and therefore at this day, when they see a Parson, they think him to be such a thing still, and there they will keep him, and use him accordingly; if he be a Gentleman, that is singled out, and he is used the more respectfully.

11. The Protestant Minister is least regarded, appears by the old Story of the Keeper of the Clink.*

* The Clink. "Now amongst the fruitful generation of jails

He had Priests of several sorts sent unto him; as they came in, he asked them who they were. Who are you? to the first. I am a Priest of the Church of Rome. You are welcome, quoth the Keeper; there are those will take Care of you. And who are you? A silenced Minister. You are welcome too; I shall fare the better for you. And who are you? A Minister of the Church of *England*. O God help me, quoth the Keeper, I shall get nothing by you; I am sure you may lie, and starve, and rot, before any body will look after you.

12. Methinks 'tis an ignorant thing for a Churchman, to call himself the Minister of Christ, because St. *Paul*, or the Apostles called themselves so. If one of them had a Voice from Heaven, as St. *Paul* had, I will grant he is a Minister of Christ; I will call him so too. Must they take upon them as the Apostles did? Can they do as the Apostles could? The Apostles had a Mark to be known by, spake Tongues, cured Diseases, trod upon Serpents, *&c.* Can they do this? If a Gentleman tells me, he will send his Man to me, and I did not know his Man, but he gave me this mark to know him by, he should bring in his Hand a rich Jewel; if

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in London, there were thought never a better; some less bad amongst them. I take the Marshalsea to be in those times the best for usage of prisoners. But O! the misery of God's poor saints in Newgate, under Alexander the Jailer (more cruel than his namesake was to St. Paul) in Lollard's Tower, the *Clink*, and Bonner's Coal house."—*Fuller*.

The Clink was an appendage to the Bishop of Winchester's Palace in Southwark.

a Fellow came to me with a Pebble-Stone, had I any reason to believe he was the Gentleman's Man?

Money.

MONEY makes a Man laugh. A blind Fiddler playing to a Company, and playing but Scurvily, the Company laughed at him; his boy that led him, perceiving it, cried, Father, let us be gone, they do nothing but laugh at you. Hold thy Peace, Boy, said the Fiddler; we shall have their money presently, and then we will laugh at them.

2. *Euclid* was beaten in *Boccaline*,* for teaching his Scholars a mathematical Figure in his School, whereby he showed that all the Lives both of Princes and private Men tended to one Centre, *con gentilezza*, handsomely to get Money out of other men's pockets, and put it into their own.

3. The Pope used heretofore to send the Princes of Christendom to fight against the Turk; but Prince and Pope finely juggled together; the Moneys were raised, and some Men went out to the Holy War; but commonly after they had got the Money, the Turk was

* Boccaline, i. e. in a Story of Boccalini. He was a famous satirist of the 16th Century, and in the Ragguagli di Parnasso feigns this story of Euclid. The common tradition is, that Boccalini himself was killed by the very means he supposed employed against Euclid; being beaten to death by four men armed with bags of sand. It is more probable that rumour picked up his own fiction ignorantly and applied it to himself. V. *Biogr. Universelle.* Ragguagli di Parnasso.

pretty quiet, and the Prince and the Pope shared it between them.

4. In all times the Princes in England have done something illegal to get Money: but then came a Parliament and all was well; The People and the Prince kissed and were Friends, and so things were quiet for a while. Afterwards there was another Trick found out to get Money, and after they had got it, another Parliament was called to set all right, *&c.* but now they have so out-run the Constable—

Moral Honesty.

THEY that cry down moral Honesty, cry down that which is a great part of Religion, my Duty towards God, and my duty towards Man. What care I to see a Man run after a Sermon, if he cozens and cheats as soon as he comes home? On the other side Morality must not be without Religion; for if so, it may change, as I see convenience. Religion must govern it. He that has not Religion to govern his Morality, is not a dram better than my Mastiff-Dog; so long as you stroke him, and please him, and do not pinch him, he will play with you as finely as may be, he is a very good moral Mastiff; but if you hurt him, he will fly in your Face, and tear out your Throat.

Mortgage.

IN case I receive a thousand Pounds, and mortgage as much Land as is worth two thousand to you; if I do not pay the Money at such a day, I fail. Whether you may take my Land and keep it in point of Conscience? *Answer.* If you had my Lands as security only for your Money, then you are not to keep it; but if we bargained so, that if I did not repay your 1000*l.* my Land should go for it, be it what it will, no doubt you may with a safe Conscience keep it; for in these things all the Obligation is *Servare Fidem.*

Number.

ALL those mysterious things they observe in Numbers, come to nothing upon this very ground, because Number in itself is nothing, has nothing* to do with Nature, but is merely of Human Imposition, a mere Sound. For Example, when I cry one o'Clock, two o'Clock, three o'Clock, that is but Man's division of Time; the time itself goes on, and it had been all one in Nature, if those Hours had been called nine, ten, and eleven. So when they say the seventh Son is Fortunate, it means nothing; for if you count from the seventh backward, then the First is the seventh; why is not he likewise Fortunate?

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* Original edition, *not.*

Oaths.

SWEARING was another thing with the Jews than with us, because they might not pronounce the Name of the Lord Jehovah.

2. There is no Oath scarcely, but we swear to things we are ignorant of: for Example, the Oath of Supremacy; how many know how the King is King? what are his Right and Prerogative? So how many know what are the Privileges of the Parliament, and the Liberty of the Subject, when they take the protestation? But the meaning is, they will defend them when they know them. As if I should swear I would take part with all that wear Red Ribbons in their Hats, it may be I do not know which Colour is Red; but when I do know, and see a Red Ribbon in a Man's Hat, then will I take his Part.

3. I cannot conceive how an Oath is imposed, where there is a Parity (*viz.*) in the House of Commons; they are all *pares inter se*, only one brings a Paper, and shows it the rest, they look upon it, and in their own Sense take it. Now they are but *pares* to me, who am none of the House, for I do not acknowledge myself their Subject; if I did, then no question, I was bound by an Oath of their imposing. 'Tis to me but reading a Paper in their own Sense.

4. There is a great difference between an Assertory Oath, and a Promissory Oath. An Assertory Oath is made to a Man before God, and I must swear so as a Man may know what I mean: but a Promissory Oath is made to God only, and I am sure he knows my mean-

ing. So in the new Oath it runs, "whereas I believe in my Conscience," *&c.* "I will assist thus and thus:" that *whereas* gives me an Outloose; for if I do not believe so, for aught I know I swear not at all.

5. In a Promissory Oath, the mind I am in is a good Interpretation; for if there be enough happened to change my mind, I do not know why I should not. If I promise to go to *Oxford* to morrow, and mean it when I say it, and afterwards it appears to me, that 'twill be my undoing; will you say I have broke my Promise if I stay at Home? Certainly I must not go.

6. The *Jews* had this way with them, concerning a Promissory Oath or Vow; if one of them had vowed a Vow, which afterwards appeared to him to be very prejudicial by reason of something he either did not foresee, or did not think of, when he made his Vow; if he made it known to three of his Countrymen, they had Power to absolve him, though he could not absolve himself; and that they picked out of some Words in the Text.* Per-

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* There is a tradition to the purpose among the Jews. See the third part of *Maimonides Jad. Chaz.* lib. 6. *de Separatione.* Butler, who must have known Selden, as he was some time in the service of Lady Kent, thus refers to it:—

> The rabbins write, when any Jew
> Did make to God or man a vow,
> Which afterwards he found untoward,
> And stubborn to be kept, or too hard;
> Any three other Jews o' th' nation
> Might free him from his obligation.

See the loose notions of the casuistical rabbins concerning vows in Lightfoot's works, vol. ii. p. 708. Parker's case of the Church of England, 1681, p. 48.

jury hath only to do with an Assertory Oath; and no Man was punished for Perjury by Man's Law till Queen *Elizabeth's* time; 'twas left to God, as a sin against him: the Reason was, because 'twas so hard a thing to prove a Man perjured; I might misunderstand him, and he swears as he thought.

7. When Men ask me whether they may take an Oath in their own Sense, 'tis to me, as if they should ask whether they may go to such a place upon their own Legs; I would fain know how they can go otherwise.

8. If the Ministers that are in sequestred Livings will not take the Engagement, threaten to turn them out and put in the old ones, and then I'll warrant you they will quietly take it. A Gentleman having been rambling two or three Days, at length came home, and being in Bed with his Wife, would fain have been at something, that she was unwilling to, and instead of complying, fell to chiding him for his being abroad so long: Well says he, if you will not, call up *Sue*, (his Wife's Chamber-maid,) upon that she yielded presently.

9. Now Oaths are so frequent, they should be taken like Pills, swallowed whole; if you chew them you will find them bitter; if you think what you swear 'twill hardly go down.

Oracles.

ORACLES ceased presently after Christ, as soon as no body believed them.* Just as we have no Fortune-Tellers, nor Wise-Men, when no body cares for them. Sometime you have a Season for them, when People believe them, and neither of these, I conceive, wrought by the Devil.

Opinion.

OPINION and Affection extremely differ. I may affect a Woman best, but it does not follow I must think her the handsomest Woman in the World. I love Apples best of any Fruit, but it does not follow, I must think Apples to be the

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* Milton, in his Hymn on the Nativity, of course poetically follows the notion that the Oracles ceased at the coming of Christ:

> The Oracles are dumb,
> No voice or hideous hum
> Runs through th' arched roof in words deceiving.
> Apollo from his shrine
> Can no more divine,
> With hollow shriek the steep of Delphos leaving.

And about that time their credit apparently was shaken, but there were other causes, as Van Dale and Fontenelle have shown, which eventually silenced them at a later period. It takes a long time to eradicate any superstitious belief among the people; and the learned, even within the last century, have shown themselves sufficiently credulous of vaticinations, and supposed supernatural events.

best Fruit. Opinion is something wherein I go about to give reason why all the World should think as I think. Affection is a thing wherein I look after the pleasing of myself.*

2. 'Twas a good Fancy of an old Platonic: the Gods which are above Men, had something whereof Man did partake, an Intellect, Knowledge, and the Gods kept on their course quietly. The Beasts, which are below Man, had something whereof Man did partake, Sense and Growth, and the Beasts lived quietly in their way. But Man had something in him, whereof neither Gods nor Beasts did partake, which gave him all the Trouble, and made all the Confusion in the World; and that is Opinion.

3. 'Tis a foolish thing for me to be brought off from an Opinion, in a thing neither of us know, but are led only by some Cobweb-stuff; as in such a Case as this, *Utrum Angeli in vicem colloquantur?* if I forsake my side in such a case, I shew myself wonderful light, or infinitely complying, or flattering the other party: but if I be in a business of Nature, and hold an Opinion one way, and some Man's Experience has found out the contrary, I may with a safe Reputation give up my side.

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* Good! This is the true difference betwixt the beautiful and the agreeable, which Knight and the rest of that πλῆθος ἄθεον have so beneficially confounded, meretricibus scilicet et Plutoni.

Oh what an insight this whole article gives into a wise man's heart, who has been compelled to act with the many, as one of the many! It explains Sir Thomas More's zealous Romanism.—*Coleridge.*

4. 'Tis a vain thing to talk of a Heretic, for a Man for his heart can think no otherwise than he does think.* In the Primitive Times there were many Opinions, nothing scarce but some or other held. One of these Opinions being embraced by some Prince, and received into his Kingdom, the rest were condemned as Heresies; and his Religion, which was but one of the several Opinions, first is said to be Orthodox, and so have continued ever since the Apostles.

Parity.†

THIS is the Juggling Trick of the Parity, they would have no body above them, but they do not tell you they would have no body under them.

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* Bishop Taylor in his "Liberty of Prophesying," Sect. 2. § 8. says, "it is inconsistent with the goodness of God to condemn those who err, where the error hath nothing of the will in it, who therefore cannot repent of their error, because they believe it true. * * * For all have a concomitant assent to the truth of what they believe; and *no man can at the same time believe what he does not believe.*"

† *Parity.*—H. Peacham in his "Minerva Britannia, or a Garden of Heroycal Devices," 1612, p. 171, says,—

"There is a sect, whome Puritans we call
Whose pride this figure fitteth best of all.
Not such I meane, as are of Faith sincere,
And to doe good endeavour all they can,
Would all the world of their religion were,
We taxe th' aspiring factious Puritan:
Whose PARITIE,* doth worse confusion bring,
And pride presumes to overlooke his King."

* PARITAS confusionis mater.—*August.*

Parliament.

ALL are involved in a Parliament. There was a time when all Men had their Voice in choosing Knights. About *Henry* the

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The public men said this was the destroying of Presbyters if the lesser number did not submit to the greater; it was a sort of Prelacy, if it was pretended that votes ought rather to be weighed than counted; *Parity* was the essence of their constitution, &c.—*Burnet.*

On the 9th of February, 1640, upon a debate in the House respecting the Bishops, Sir Simonds D'Ewes records that "Sir John Strangways rose up and spake on their behalf, saying, if we made a *Parity* in the Church, we must come at last to a *Parity* in the Commonwealth; and the Bishops were one of the three Estates of the Kingdom, and had a voice in the Parliament. Mr. Cromwell stood up next and said, he knew no reason for these suppositions,—he did not understand why the gentleman that last spoke should make an inference of *Parity* from the Church to the Commonwealth, nor that there was any necessity of the great revenue of Bishops. He was more convinced, touching the irregularity of Bishops, than ever before; because like the Roman Hierarchy, they would not endure to have their condition come to a trial."—*MSS. Harl.* 162, cited in the Edinburgh Review, vol. lxxxiv, p. 90.

"Since a *Parity* was first ordained by God himselfe, and that there needeth no Order or Degree of persons, because God is equall and no respecter of persons. Be it therefore ordered—that we have no King but *Parity.*

"That every yeare there shall be the Round-heads feast celebrated, a well-lung'd long-breathed Cobler shall preach a Sermon six houres, and his prayer two houres long, and at every Messe in this Feast shall be presented a goodly Dish of Turnips, because it is very agreeable to our Natures; for a Turnip has a round head, and the Anagram of Puritan is a TVRNIP."—*New Orders new made by a Parliament of Roundheads*, &c. 4to. Lond. 1642.

Sixth's time they found the inconvenience; so one Parliament made a Law, that only he that had forty Shillings *per annum* should give his Voice, they under should be excluded. They made the Law who had the Voice of all, as well under forty Shillings as above; and thus it continues at this Day. All consent civilly in a Parliament; Women are involved in the Men, Children in those of perfect age; those that are under forty Shillings a Year, in those that have forty Shillings a year, those of forty Shillings in the Knights.

2. All things are brought to the Parliament, little to the Courts of Justice: just as in a room where there is a Banquet presented, if there be Persons of Quality there, the People must expect, and stay till the great ones have done.

3. The Parliament flying upon several Men, and then letting them alone, does as a Hawk that flies a Covey of Partridges, and when she has flown them a great way, grows weary and takes a Tree; then the Falconer lures her down, and takes her to his fist: on they go again, *hei rett*, up springs another Covey, away goes the Hawk, and as she did before, takes another Tree, *&c.*

4. Dissenters in Parliament may at length come to a good end, though first there be a great deal of do, and a great deal of noise, which mad wild folks make: just as in brewing of Wrest-Beer, there's a great deal of Business in grinding the Malt, and that spoils any Man's clothes that comes near it: then it must be mashed, then comes a Fellow in and drinks of the Wort, and he's drunk; then they keep a huge quarter

when they carry it into the Cellar, and a twelve month after 'tis delicate fine Beer.

5. It must necessarily be that our Distempers are worse than they were in the beginning of the Parliament. If a Physician comes to a sick Man, he lets him blood, it may be scarifies him, cups him, puts him into a great disorder, before he makes him well; and if he be sent for to cure an Ague, and he finds his Patient hath many diseases, a Dropsy, and a Palsy, he applies remedies to 'em all, which makes the cure the longer and the dearer: this is the case.

6. The Parliament-men are as great Princes as any in the World, when whatsoever they please is Privilege of Parliament; no man must know the number of their Privileges, and whatsoever they dislike is Breach of Privilege. The Duke of *Venice* is no more than Speaker of the House of Commons; but the Senate at *Venice* are not so much as our Parliament-men, nor have they that Power over the People, who yet exercise the greatest Tyranny that is any where. In plain truth, Breach of Privilege is only the actual taking away of a Member of the House, the rest are Offences against the House; for Example, to take out Process against a Parliament-man, or the like.

7. The Parliament Party, if the Law be for them, they call for the Law; if it be against them, they will go to a Parliamentary Way; if no Law be for them, then for Law again: like him that first called for Sack to heat him, then small Drink to cool his Sack, then Sack again to heat his small Drink, *&c.*

8. The Parliament Party do not play fair play, in

sitting up till two of the Clock in the Morning, to vote something they have a mind to.* 'Tis like a crafty Gamester, that makes the Company drunk, then cheats them of their Money. Young men, and infirm men go away. Besides, a Man is not there to persuade other Men to be of his mind, but to speak his own heart, and if it be liked, so, if not, there's an end.

Parson.

THOUGH we write *Parson* differently, yet 'tis but Person; that is, the individual Person set apart for the Service of such a Church; and 'tis in Latin *Persona*, and *Personatus* is a Personage. Indeed with the Canon-Lawyers, *Personatus* is any Dignity or Preferment in the Church.

2. There never was a merry World since the *Fairies* left Dancing, and the Parson left Conjuring. The Opinion of the latter kept Thieves in awe, and did as much good in a Country as a Justice of Peace.

Patience.

PATIENCE is the chiefest fruit of Study. A man that strives to make himself a different thing from other men by much reading, gains this chiefest good, that in all Fortunes,

* The famous Remonstrance was carried after sitting from 3 p.m. to 3 a.m. which made some one say it was "the Verdict of a starved Jury."

he hath something to entertain and comfort himself withal.

Peace.

KING *James* was pictured going easily down a Pair of Stairs, and upon every Step there was written, *Peace, Peace, Peace.* The wisest way for men in these times is to say nothing.

2. When a Country-wench cannot get her Butter to come, she says, the Witch is in her Churn.* We have been churning for Peace a great while, and 'twill not come; sure the Witch is in it.

3. Though we had Peace, yet 'twill be a great while e'er things be settled. Though the Wind lie, yet after a Storm the Sea will work a great while.

Penance.

PENANCE is only the Punishment inflicted, not Penitence, which is the right word: a Man comes not to do Penance, because he repents him of his Sin, but because he is compelled to

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* This is bantered by C. Cotton in his Virgil Travesty, b. iv.

Scott in his Discovery of Witchcraft, observes, "That when the country people see the butter cometh not, then get they out of the suspected witch's house, a little butter, whereof must be made three balls in the name of the holy Trinity; and so, if they be put into the churn, the butter will presently come, and the witchcraft will cease—but if you put a little sugar and soap into the churn among the cream, the butter will never come." Webster (Display of Witchcraft, b. 12, c. 21.) assigns natural causes for the butter not coming, with the method to make it come.

it; he curses him, and could kill him that sends him thither. The old Canons wisely enjoined three years Penance, sometimes more, because in that time a Man got a habit of Virtue, and so committed that sin no more for which he did Penance.

People.

THERE is not any thing in the World more abused than this Sentence, *Salus populi suprema Lex esto*, for we apply it, as if we ought to forsake the known Law, when it may be most for the advantage of the People, when it means no such thing. For first, 'tis not *Salus populi suprema Lex est*, but *esto;* it being one of the Laws of the Twelve Tables* and after divers Laws made, some for Punishment, some for Reward; then follows this, *Salus populi suprema Lex esto:* That is, in all the Laws you make, have a special Eye to the good of the People; and then what does this concern the way they now go?

2. *Objection.* He that makes one is greater than he that is made; the People make the King, *ergo, &c.*

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* It is probably a lapse of memory in Selden, or incorrectly related; for this is not one of the Laws of the xii. Tables, but among those which Cicero has set down for the government of his imaginary republic. See De Legibus, lib. iii. § 8. It seems to have forcibly impressed itself on Ammianus Marcellinus, who repeats it in substance more than once; his words are "finis enim justi imperii, *ut sapientes docent*, utilitas obedientium æstimatur et salus." Amm. Marcel. xxx. 8, and xxix. 3.

Answer. This does not hold; for if I have 1000*l.* *per Annum,* and give it you, and leave myself ne'er a Penny; I made you, but when you have my Land, you are greater than I. The Parish makes the Constable, and when the Constable is made, he governs the Parish. The Answer to all these Doubts is, Have you agreed so? if you have, then it must remain till you have altered it.

Pleasure.

PLEASURE is nothing else but the intermission of Pain, the enjoying of something I am in great trouble for till I have it.

2. 'Tis a wrong way to proportion other Men's Pleasures to ourselves; 'tis like a Child's using a little Bird, "O poor Bird, thou shalt sleep with me;" so lays it in his Bosom, and stifles it with his hot Breath: the Bird had rather be in the cold Air. And yet too 'tis the most pleasing Flattery, to like what other men like.

3. 'Tis most undoubtedly true, that all Men are equally given to their pleasure; only thus, one man's pleasure lies one way, and another's another. Pleasures are all alike simply considered in themselves: he that hunts, or he that governs the Commonwealth, they both please themselves alike, only we commend that, whereby we ourselves receive some benefit; as if a man place his delight in things that tend to the common good. He that takes pleasure to hear Sermons, enjoys himself as much as he that hears Plays; and could he

that loves Plays endeavour to love Sermons, possibly he might bring himself to it as well as to any other Pleasure. At first it may seem harsh and tedious, but afterwards 'twould be pleasing and delightful. So it falls out in that which is the great pleasure of some Men, Tobacco; at first they could not abide it, and now they cannot be without it.

4. Whilst you are upon Earth, enjoy the good Things that are here (to that end were they given), and be not melancholy, and wish yourself in Heaven. If a King should give you the keeping of a Castle, with all things belonging to it, Orchards, Gardens, *&c.* and bid you use them; withal promise you that, after twenty years to remove you to the Court, and to make you a Privy Counsellor; if you should neglect your Castle, and refuse to eat of those fruits, and sit down, and whine, and wish you were a Privy Counsellor, do you think the King would be pleased with you?

5. Pleasures of Meat, Drink, Clothes, *&c.* are forbidden those that know not how to use them; just as Nurses cry *pah!* when they see a Knife in a Child's Hand; they will never say any thing to a Man.

Philosophy.

WHEN Men comfort themselves with Philosophy, 'tis not because they have got two or three Sentences, but because they have digested those Sentences and made them their own: so upon the matter, Philosophy is nothing but Discretion.

Poetry.

VID was not only a fine Poet, but, as a man may speak, a great Canon Lawyer, as appears in his *Fasti*, where we have more of the Festivals of the old *Romans* than any where else: 'tis pity the rest are lost.

2. There is no reason Plays should be in Verse, either in Blank or Rhyme; only the Poet has to say for himself, that he makes something like that, which somebody made before him. The old Poets had no other reason but this, their Verse was sung to Music; otherwise it had been a senseless thing to have fettered up themselves.*

3. I never converted but two, the one was Mr. *Crashaw*, from writing against Plays, by telling him a way how to understand that Place of putting on Woman's Apparel, which has nothing to do in the business, as neither has it, that the Fathers speak against Plays in their Time, with reason enough, for they had real Idolatries mixed with their Plays, having three Altars perpetually upon the Stage. The other was a Doctor of Divinity, from preaching against Painting; which simply in itself is no more hurtful, than putting on my

* No one man can know all things; even Selden here talks ignorantly. Verse is in itself a music, and the natural symbol of that union of passion with thought and pleasure, which constitutes the essence of all poetry, as contradistinguished from history civil or natural. To Pope's Essay on Man,—in short to whatever is mere metrical good sense and wit, the remark applies.—*Coleridge.*

Clothes, or doing anything to make my self like other folks, that I may not be odious nor offensive to the Company. Indeed if I do it with an ill Intention, it alters the Case; so, if I put on my Gloves with an intention to do a mischief, I am a Villain.

4. 'Tis a fine thing for Children to learn to make Verse; but when they come to be Men, they must speak like other Men, or else they will be laughed at. 'Tis ridiculous to speak, or write, or preach in Verse. As 'tis good to learn to dance, a man may learn his Leg, learn to go handsomely; but 'tis ridiculous for him to dance, when he should go.

5. 'Tis ridiculous for a Lord to print Verses; 'tis well enough to make them to please himself, but to make them public, is foolish. If a Man in a private Chamber twirls his Band-strings, or plays with a Rush to please himself, 'tis well enough; but if he should go into *Fleet-street*, and sit upon a Stall, and twirl a Band-string, or play with a Rush, then all the Boys in the Street would laugh at him.

6. Verse proves nothing but the quantity of Syllables; they are not meant for Logic.*

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* True; they, that is, verses, are not logic; but they are, or ought to be, the envoys and representatives of that vital passion, which is the practical cement of logic; and without which logic must remain inert.—*Coleridge.*

Pope.

A POPE'S Bull and a Pope's Brief differ very much; as with us the Great Seal and the Privy Seal. The Bull being the highest Authority the Pope* can give, the Brief is of less. The Bull has a Leaden Seal upon silk, hanging upon the Instrument; the Brief has *sub Annulo Piscatoris* upon the side.

2. He was a wise Pope, that when one that used to be merry with him, before he was advanced to the Popedom, refrained afterwards to come at him, (presuming he was busy in governing the Christian World,) the Pope sends for him, bids him come again, and says he, we will be merry as we were before; for thou little thinkest what a little Foolery governs the whole World.

3. The Pope in sending Relics to Princes, does as Wenches do by their *Wassails* at *New-years tide;* they present you with a Cup, and you must drink of a slabby stuff; but the meaning is, you must give them Moneys, ten times more than it is worth.

4. The Pope is Infallible, where he hath power to command; that is, where he must be obeyed; so is every Supreme Power and Prince. They that stretch his Infallibility further, do they know not what.

5. When a Protestant and a Papist dispute, they talk like two Madmen, because they do not agree upon their Principles. The one way is to destroy the Pope's

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* Orig. edit. *King.*

Power, for if he hath Power to command me, 'tis not my alleging Reasons to the contrary can keep me from obeying: for Example, if a Constable command me to wear a green Suit to-morrow, and has Power to make me, 'tis not my alleging a hundred Reasons of the Folly of it, can excuse me from doing it.

6. There was a Time when the Pope had Power here in *England*, and there was excellent use made of it; for 'twas only to serve turns, as might be manifested out of the Records of the Kingdom, which Divines know little of. If the King did not like what the Pope would have, he would forbid the Pope's Legate to land upon his ground. So that the Power was truly then in the King, though suffered in the Pope. But now the Temporal and the Spiritual Power (Spiritual so call'd, because ordained to a Spiritual End) spring both from one Fountain, they are like to twist that.

7. The Protestants in *France* bear Office in the State, because though their Religion be different, yet they acknowledge no other King but the King of *France*. The Papists in *England* they must have a King of their own, a Pope, that must do something in our Kingdom; therefore there is no reason they should enjoy the same Privileges.

8. *Amsterdam* admits of all Religions but Papists, and 'tis upon the same Account. The Papists where'er they live, have another King at *Rome;* all other Religions are subject to the present State, and have no Prince elsewhere.

9. The Papists call our Religion a Parliamentary

Religion; but there was once, I am sure, a Parliamentary Pope; Pope *Urban* was made Pope in *England* by Act of Parliament, against Pope *Clement*. The Act is not in the Book of Statutes, either because he that compiled the Book would not have the Name of the Pope there, or else he would not let it appear that they meddled with any such thing; but 'tis upon the Rolls.

10. When our Clergy preach against the Pope and the Church of *Rome*, they preach against themselves; and crying down their Pride, their Power and their Riches, have made themselves poor and contemptible enough; they did it at* first to please their Prince, not considering what would follow. Just as if a man were to go a journey, and seeing, at his first setting out, the way clean and fair, ventures forth in his Slippers, not considering the Dirt and the Sloughs are a little further off, or how suddenly the Weather may change.

Popery.

THE demanding a Noble, for a dead body passing through a Town, came from hence in time of Popery, they carried the dead Body into the Church, where the Priest said Dirges; and twenty Dirges at four Pence a piece, comes to a Noble; but now it is forbidden by an Order from my Lord Marshal; the Heralds carry his Warrant about them.

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* The original edition misprints *dedicate* for *did it at.*

2. We charge the Prelatical Clergy with Popery, to make them odious, though we know they are guilty of no such thing: just as heretofore they called Images Mammets, and the Adoration of Images Mammetry, that is, *Mahomet* and *Mahometry;* odious names, when all the World knows the *Turks* are forbidden Images by their Religion.

Power, State.

THERE is no stretching of Power. 'Tis a good rule, Eat within your Stomach, act within your Commission.

2. They that govern most make least noise. You see when they row in a Barge, they that do drudgery-work, slash, and puff, and sweat; but he that governs, sits quietly at the Stern, and scarce is seen to stir.

3. Syllables govern the World.

4. *All power is of God,* means no more than *Fides est servanda.* When St. *Paul* said this, the People had made *Nero* Emperor. They agree, he to command, they to obey. Then God's* . . . . . comes in, and casts a hook upon them, keep your Faith: then comes in, all Power is of God. Never King dropped out of the Clouds. God did not make a new Emperor, as the King makes a Justice of Peace.

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* Some word seems to be wanting here, though there is no space for it in the first edition. The second edition reads, God comes, &c. Perhaps we should read, "God's *ordinance*"? See *Richard Baxter's* notes to his Paraphrase on the N. T. Romans, xiii.

5. Christ himself was a great observer of the Civil power, and did many things only justifiable, because the State required it, which were things merely Temporary, for the time that State stood. But Divines make use of them to gain Power to themselves; as for Example that of *Dic Ecclesiæ*, tell the Church; there was then a Sanhedrim, a Court to tell it to, and therefore they would have it so now.

6. Divines ought to do no more than what the State permits. Before the State became Christian, they made their own Laws, and those that did not observe them, they Excommunicated, [*naughty men*] they suffered them to come no more amongst them. But if they would come amongst them, how could they hinder them? By what Law? By what Power? they were still subject to the State, which was Heathen. Nothing better expresses the Condition of Christians in those times, than one of the meetings you have in *London*, of Men of the same County, of *Sussex*-Men, of *Bedfordshire*-Men; they appoint their Meeting, and they agree, and make Laws amongst themselves, [*He that is not there shall pay double*, &c.] and if any one mis-behave himself, they shut him out of their Company: but can they recover a Forfeiture made concerning their Meeting by any Law? Have they any power to compel one to pay? But afterwards when the State became Christian, all the Power was in them, and they gave the Church as much, or as little as they pleased; and took away when they pleased, and added what they pleased.

7. The Church is not only subject to the Civil Power

with us that are Protestants, but also in *Spain:* if the Church does Excommunicate a Man for what it should not, the Civil Power will take him out of their Hands. So in *France,* the Bishop of *Angiers* altered something in the Breviary; they complained to the Parliament at *Paris,* that made him alter it again, with a [*comme abuse.*]*

8. The Parliament of *England* has no Arbitrary Power in point of Judicature, but in point of making Law only.

9. If the Prince be *servus natura,* of a servile base Spirit, and the Subjects *liberi,* Free and Ingenuous, ofttimes they depose their Prince, and govern themselves. On the contrary, if the People be *Servi Natura,* and some one amongst them of a Free and Ingenuous Spirit, he makes himself King of the rest; and this is the Cause of all changes in State: Commonwealths into Monarchies, and Monarchies into Common-wealths.

10. In a troubled State we must do as in foul Weather upon the *Thames,* not think to cut directly through, so the Boat may be quickly full of water, but rise and fall as the Waves do, give as much as conveniently we can.

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* *Un appel comme d'abus* is an appeal to the civil from the ecclesiastical court, when the latter is supposed to have exceeded its power.

Prayer.

IF I were a Minister, I should think myself most in my Office, reading of Prayers, and dispensing the Sacraments; and 'tis ill done to put one to officiate in the Church, whose Person is contemptible out of it. Should a great Lady, that was invited to be a Gossip, in her place send her Kitchen-Maid, 'twould be ill taken; yet she is a Woman as well as she; let her send her Woman at least.

2. *You shall pray,* is the right way, because according as the Church is settled, no Man may make a Prayer in public of his own head.

3. 'Tis not the Original Common-prayer-book. Why, show me an original Bible, or an original *Magna Charta.*

4. Admit the Preacher prays by the Spirit, yet that very Prayer is Common-prayer to the People; they are tied as much to his Words, as in saying, *Almighty and most merciful Father.* Is it then unlawful in the Minister, but not unlawful in the People?

5. There were some Mathematicians, that could with one fetch of their Pen make an exact Circle, and with the next touch, point out the Centre; is it therefore reasonable to banish all use of the Compasses? Set Forms are a pair of Compasses.

6. *God hath given gifts unto Men.* General Texts prove nothing: let him show me *John, William* or *Thomas* in the Text, and then I will believe him. If a man hath a voluble Tongue, we say, he hath the gift of

prayer. His gift is to pray long, that I see; but does he pray better?

7. We take care what we speak to Men, but to God we may say any thing.

8. The people must not think a thought towards God, but as their Pastors will put it into their Mouths; they will make right Sheep of us.

9. The *English* Priests would do that in *English*, which the *Romish* do in *Latin*, keep the people in Ignorance; but some of the people outdo them at their own Game.

10. Prayer should be short, without giving God Almighty Reasons why he should grant this, or that; he knows best what is Good for us. If your Boy should ask you a Suit of Clothes, and give you Reasons, "otherwise he cannot wait upon you, he cannot go abroad but he will discredit you," would you endure it? You know it better than he; let him ask a Suit of Clothes.

11. If a Servant that has been fed with good Beef, goes into that part of *England* where Salmon is plenty, at first he is pleased with his Salmon, and despises his Beef, but after he has been there a while, he grows weary of his Salmon, and wishes for his good Beef again. We have a while been much taken with this praying by the Spirit; but in time we may grow weary of it, and wish for our *Common-Prayer*.

12. 'Tis hoped we may be cured of our extemporary Prayers, the same way the Grocer's Boy is cured of his eating Plums, when we have had our Belly full of them.

Preaching.

NOTHING is more mistaken than that Speech, *Preach the Gospel:* for 'tis not to make long Harangues, as they do now-a-days, but to tell the News of Christ's coming into the World; and when that is done, or where 'tis known already, the Preacher's Work is done.

2. Preaching in the first sense of the word ceased as soon as ever the Gospel was written.

3. When the Preacher says, this is the Meaning of the Holy Ghost in such a place, in sense he can mean no more than this; that is, I by studying of the place, by comparing one place with another, by weighing what goes before, and what comes after, think this is the Meaning of the Holy Ghost; and for shortness of Expression I say, the Holy Ghost says thus, or this is the Meaning of the Spirit of God. So the Judge speaks of the King's Proclamation, this is the Intention of the King; not that the King had declared his Intention any other way to the Judge, but the Judge examining the Contents of the Proclamation, gathers by the purport of the Words the King's Intention; and then for shortness of expression says, this is the King's Intention.

4. Nothing is Text but what was spoken in the Bible, and meant there for Person and Place; the rest is Application, which a discreet Man may do well; but 'tis his Scripture, not the Holy Ghost.

5. Preaching by the Spirit (as they call it) is most

esteemed by the Common-people, because they cannot abide Art or Learning, which they have not been bred up in. Just as in the business of Fencing, if one Country Fellow amongst the rest, has been at the School, the rest will under-value his Skill, or tell him he wants Valour: *You come with your School-Tricks; there's* Dick Butcher *has ten times more Mettle in him:* so they say to the Preachers, *You come with your School-Learning: There's such a one has the Spirit.*

6. The Tone in preaching does much in working upon the people's Affections. If a Man should make Love in an ordinary Tone, his Mistress would not regard him; and therefore he must whine. If a Man should cry Fire, or Murder, in an ordinary Voice, no body would come out to help him.

7. Preachers will bring any thing into the Text. The young Masters of Arts preached against *Non-Residency* in the University; whereupon the Heads made an Order, that no Man should meddle with any thing but what was in the Text. The next Day one preached upon these Words, *Abraham begat Isaac:* when he had gone a good way, at last he observed, that *Abraham* was resident; for if he had been Non-Resident, he could never have begot *Isaac;* and so fell foul upon the Non-Residents.*

8. I could never tell what often preaching meant,

* In 1631, they began to preach against Laud's innovation, at Oxford. Yea, their very texts gave offence; one preaching on Numbers xiv. 6. "Let us make a Captain and return into Egypt." Another on Kings xiii. 2. "And he cried against the Altar in the word of the Lord, and said, O! Altar, Altar."

after a Church is settled, and we know what is to be done; 'tis just as if a Husband-man should once tell his Servants what they are to do, when to sow, when to reap, and afterwards one should come and tell them twice or thrice a Day what they know already. You must sow your Wheat in *October*, you must reap your Wheat in *August*, *&c.*

9. The main Argument why they would have two Sermons a Day, is, because they have two Meals a Day; the Soul must be fed as well as the Body. But I may as well argue, I ought to have two Noses because I have two Eyes, or two Mouths because I have two Ears. What have Meals and Sermons to do one with another?

10. The Things between God and Man are but a few, and those, forsooth, we must be told often of; but things between Man and Man are many; those I hear of not above twice a Year, at the Assizes, or once a Quarter at the Sessions; but few come then; nor does the Minister exhort the People to go at these times to learn their Duty towards their Neighbour. Often preaching is sure to keep the Minister in Countenance, that he may have something to do.

11. In preaching they say more to raise Men to love Virtue than Men can possibly perform, to make them do their best; as if you would teach a Man to throw the Bar, to make him put out his strength, you bid him throw further than it is possible for him, or any Man else: throw over yonder House.

12. In preaching they do by Men as Writers of Romances do by their chief Knights, bring them into

many Dangers, but still fetch them off: so they put Men in fear of Hell, but at last bring them to Heaven.

13. Preachers say, do as I say, not as I do. But if a Physician had the same Disease upon him that I have, and he should bid me do one thing, and he do quite another, could I believe him?

14. Preaching the same Sermon to all sorts of People, is, as if a School-Master should read the same Lesson to his several Forms: if he reads, *Amo, amas, amavi,* the highest Forms Laugh at him; the younger Boys admire him; so 'tis in preaching to a mixed Auditory. *Objection.* But it cannot be otherwise; the Parish cannot be divided into several Forms: what must the Preacher then do in Discretion? *Answer.* Why then let him use some expressions by which this or that condition of people may know such Doctrine does more especially concern them; it being so delivered that the wisest may be content to hear. For if he delivers it altogether, and leaves it to them to single out what belongs to themselves (which is the usual way) 'tis as if a Man would bestow Gifts upon Children of several Ages, Two Years old, Four Years old, Ten Years old, *&c.* and there he brings *Tops, Pins, Points, Ribands,* and casts them all in a Heap together upon a Table before them; though the Boy of Ten Years old knows how to choose his *Top,* yet the Child of Two Years old, that should have a *Riband,* takes a *Pin,* and the *Pin* e'er he be aware pricks his Fingers, and then all's out of order, *&c.* Preaching for the most part is the glory of the Preacher, to show himself a fine man. Catechising would do much better.

15. Use the best Arguments to persuade, though but few understand; for the Ignorant will sooner believe the judicious of the Parish, than the Preacher himself; and they teach when they dissipate what he has said, and believe it the sooner, confirmed by men of their own side. For betwixt the Laity and the Clergy there is, as it were, a continual driving of a bargain; something the Clergy would still have us be at, and therefore many things are heard from the Preacher with suspicion. They are afraid of some ends, which are easily assented to, when they have it from some of themselves. 'Tis with a Sermon as 'tis with a Play; many come to see it, which do not understand it; and yet hearing it cried up by one, whose judgment they cast themselves upon, and of power with them, they swear and will die in it, that 'tis a very good Play, which they would not have done if the Priest himself had told them so. As in a great School, 'tis [not]* the Master that teaches all; the Monitor does a great deal of work; it may be the Boys are afraid to see the Master: so in a Parish 'tis not the Minister does all; the greater Neighbour teaches the lesser, the Master of the House teaches his Servant, *&c.*

16. First in your Sermons use your Logic, and then your Rhetoric. Rhetoric without Logic is like a Tree with Leaves and Blossoms, but no Root; yet I confess more are taken with Rhetoric than Logic, because they are catched with a free Expression, when they understand not Reason. Logic must be natural, or it is

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* *Not* is omitted in the orig. ed.

worth nothing at all; your Rhetoric Figures may be learned. That Rhetoric is best which is most seasonable and most catching. An instance we have in that old blunt Commander at *Cadiz*, who showed himself a good Orator; being to say something to his Soldiers, which he was not used to do, he made them a Speech to this purpose: *What a shame will it be, you* Englishmen, *that feed upon good Beef and Brewess, to let those Rascally* Spaniards *beat you that eat nothing but Oranges and Lemons;* and so put more Courage into his Men than he could have done with a more learned Oration. Rhetoric is very good, or stark naught: there's no *Medium* in Rhetoric. If I am not fully persuaded I laugh at the Orator.

17. 'Tis good to preach the same thing again; for that's the way to have it learned. You see a Bird by often whistling to learn a Tune, and a Month after record it to herself.

18. 'Tis a hard Case a Minister should be turned out of his Living for something they inform he should say in his Pulpit. We can no more know what a Minister said in his Sermon by two or three words picked out of it, than we can tell what Tune a Musician played last upon the Lute, by two or three single Notes.

Predestination.

THEY that talk nothing but Predestination, and will not proceed in the way of Heaven till they be satisfied in that point, do, as a Man that would not come to *London*, unless at his first step he might set his foot upon the top of *Paul's*.

2. For a young Divine to begin in his Pulpit with Predestination, is as if a Man were coming into *London*, and at his first Step would think to set his Foot, *&c.*

3. Predestination is a point inaccessible, out of our reach; we can make no notion of it, 'tis so full of intricacy, so full of contradiction; 'tis in good earnest, as we state it, half a Dozen Bulls one upon another.

4. Doctor *Prideaux*, in his Lectures, several Days used Arguments to prove Predestination; at last tells his Auditory they are damned that do not believe it; doing herein just like School-Boys, when one of them has got an Apple, or something the rest have a mind to, they use all the Arguments they can to get some of it from him: *I gave you some t'other Day; You shall have some with me another time:* When they cannot prevail, they tell him he's a Jackanapes, a Rogue and a Rascal.

Preferment.

WHEN you would have a Child go to such a place, and you find him unwilling, you tell him he shall ride a Cock-horse, and then he will go presently; so do those that govern the State,

deal by men, to work them to their ends; they tell them they shall be advanced to such or such a place, and they will do any thing they would have them.

2. A great Place strangely qualifies. *John Read, Groom of the Chamber to my Lord of* Kent, was in the right.* Attorney *Noy* being dead, some were saying, how would the King do for a fit Man? Why, any Man (says *John Read*) may execute the Place. I warrant (says my Lord) thou think'st thou understand'st enough to perform it. Yes, quoth *John*, Let the King make me Attorney, and I would fain see that Man, that durst tell me, there's any thing I understand not.

3. When the Pageants are a coming there's a great thrusting and a riding upon one another's Backs, to look out at the Window: stay a little and they will come just to you, you may see them quietly. So 'tis when a new Statesman or Officer is chosen; there's great expectation and listening who it should be; stay a while, and you may know quietly.

4. Missing Preferment makes the Presbyters fall foul upon the Bishops: Men that are in hopes and in the way of rising, keep in the Channel, but they that have none, seek new ways: 'Tis so amongst the Lawyers; he that hath the Judge's Ear, will be very observant of the way of the Court; but he that hath no regard will be flying out.

5. My Lord *Digby*† having spoken something in

* This sentence is awkwardly transposed in the orig. ed.

† Lord Digby. He spoke against Strafford's attainder, and was called up to the Lords, June 10, 1641.

the House of Commons, for which they would have questioned him, was presently called to the upper House. He did by the Parliament as an Ape when he has done some waggery; his Master spies him, and he looks for his Whip, but before he can come at him, whip says he to the top of the House.

6. Some of the Parliament were discontented, that they wanted places at Court, which others had got; but when they had them once, then they were quiet. Just as at a Christening, some that get no Sugar-plums, when the rest have, mutter and grumble; presently the Wench comes again with her Basket of Sugar-plums, and then they catch and scramble, and when they have got them, you hear no more of them.

Præmunire.

THERE can be no *Præmunire*. A *Præmunire* (so called from the word *Præmunire* facias*) was when a Man laid an Action in an Ecclesiastical Court, for which he could have no

* *Præmunire*, more properly *Præmonere*. To incur a præmunire, according to the Stat. 16 Rich. II. c. 15, was to be out of the King's protection, to forfeit Lands and goods and to be imprisoned. See Fuller's Church History, p. 148. Coke's 12th Report, p. 37. "A *Præmunire* is a writ issued out of the King's Bench against one who hath procured any Bull or like process of the Pope from Rome, or elsewhere, for any Ecclesiastical place or preferment within this realm; or doth sue in any foreign Ecclesiastical court to defeat or impeach any judgment given in the King's Court.—The writ was much in use during the time the Bishop of Rome's authority was in credit in this land, as

remedy in any of the King's Courts, that is, in the Courts of Common Law, by reason the Ecclesiastical Courts before *Henry* the Eighth were subordinate to the Pope, and so it was *contra coronam et dignitatem Regis;* but now the Ecclesiastical Courts are equally subordinate to the King. Therefore it cannot be *contra coronam et dignitatem Regis*, and so no *Præmunire.*

Prerogative.

PREROGATIVE is something that can be told what it is, not something that has no Name: just as you see the Archbishop has his Prerogative Court, but we know what is done in that Court. So the King's Prerogative is not his will, or, what Divines make it, a power, to do what he lists.

2. The King's Prerogative, that is, the King's Law. For example, if you ask whether a Patron may present to a Living after six Months by Law? I answer no. If you ask whether the King may? I answer he may by his Prerogative, that is by the Law that concerns him in that case.

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there were there two principal authorities—the Spiritual in the Pope, and the Temporal in the King. But since the foreign authority in Spiritual matters is abolished, and either jurisdiction is to be agnized to be settled wholly and only in the Prince of this land, sundry wise men are of opinion *that there can be no Præmunire* by the statutes at this day against any man exercising any subordinate jurisdiction under the King." See Sir Thomas Ridley's "View of the Civile and Ecclesiasticall Law." Oxford, 1676, p. 153, &c. Barrington's Observations on the more antient Statutes, 1762, 4to. p. 251.

Presbytery.

THEY that would bring in a new Government, would very fain persuade us, they meet it in Antiquity. Thus they interpret Presbyters, when they meet the word in the Fathers. Other professions likewise pretend to Antiquity. The Alchymist will find his Art in Virgil's *Aureus ramus*, and he that delights in Optics will find them in *Tacitus*. When *Cæsar* came into *England* they would persuade us, they had Perspective-Glasses, by which he could discover what they were doing upon the Land, because it is said, *Positis Speculis:* the meaning is, His Watch or his Sentinel discovered this, and this, unto him.

2. Presbyters have the greatest power of any Clergy in the World, and gull the Laity most. For example; admit there be twelve Laymen to six Presbyters, the six shall govern the rest as they please. First because they are constant, and the others come in like Churchwardens in their turns, which is a huge advantage. Men will give way to them who have been in place before them. Next, the Laymen have other professions to follow: the Presbyters make it their sole Business; and besides, too, they learn and study the Art of persuading: some of *Geneva* have confessed as much.

3. The Presbyter with his Elders about him, is like a young Tree fenced about with two, or three, or four Stakes; the Stakes defend it, and hold it up, but the Tree only prospers and flourishes: it may be some Willow Stake may bear a Leaf or two, but it comes to

nothing. Lay-Elders are Stakes, the Presbyter the Tree that flourishes.

4. When the Queries were sent to the Assembly concerning the *Jus Divinum* of Presbytery,* their asking time to answer them, was a Satire upon themselves; for if it were to be seen in the Text, they might quickly turn to the place, and show us it. Their delaying to answer makes us think there's no such thing there. They do just as you have seen a fellow do at a Tavern Reckoning: when he should come to pay his Reckoning, he puts his Hands into his Pockets, and keeps a grabbling and a fumbling, and shaking, at last tells you he has left his Money at home; when all the Company knew at first, he had no Money there; for every Man can quickly find his own Money.

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* The Assembly met with many difficulties; some complaining of Mr. Selden, that advantaged by his skill in antiquity, common law, and the Oriental tongues, he employed them rather to pose than profit, perplex than inform the members thereof—in the 14 queries he proposed; whose intent therein was to humble the Jure-divino-ship of Presbytery; which though hinted and held forth, is not so made out in Scripture, but, being too scant on many occasions, it must be pieced with prudential additions. These queries being sent from Parliament to the Assembly, it was ordered that in the answers proof from Scripture be set down with the several texts at large, in the express words of the same, &c. On receiving these queries the Assembly is in great perturbation, appoints a solemn fast, and a committee to consider the answers.

Priests of Rome.

THE Reason of the Statute against Priests, was this: In the beginning of Queen *Elizabeth* there was a Statute made, that he that drew Men from their civil Obedience was a Traitor. It happened this was done in privacies and confessions, when there could be no proof; therefore they made another Act, that for a Priest to be in *England* was Treason, because they presumed that [it] was his business to fetch men off from their Obedience.

2. When Queen *Elizabeth* died, and King *James* came in, an *Irish* Priest does thus Express it: *Elizabetha in orcum detrusa, successit Jacobus, alter Hæreticus.* You will ask why they did use such Language in their Church. *Answer.* Why does the Nurse tell the Child of Raw-head and Bloody-bones, to keep it in awe?

3. The Queen Mother and Count *Rosset* are to the Priests and Jesuits like the Honey-pot to the Flies.*

4. The Priests of *Rome* aim but at two Things, to get Power from the King, and Money from the Subject.

5. When the Priests come into a Family, they do as a Man that would set fire on a House; he does not put fire to the Brick-wall, but thrusts it into the

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* *The Queen Mother and Rosset.* Mary de Medicis got out of England at last by the Parliament, at 10,000*l.* expense, Aug. 1641.

Thatch. They work upon the Women and let the Men alone.*

6. For a Priest to turn a man when he lies a dying, is just like one that hath a long time solicited a woman, and cannot obtain his end; at length makes her drunk, and so lies with her.

Prophecies.

DREAMS and Prophecies do thus much good; they make a man go on with boldness and courage, upon a Danger or a Mistress: if he obtains, he attributes much to them; if he miscarries, he thinks no more of them, or is no more thought of himself.

Proverbs.

THE Proverbs of several Nations were much studied by Bishop *Andrews*, and the reason he gave was, Because by them he knew the minds of several Nations, which is a brave thing; as we count him a wise man, that knows the minds and insides of men, which is done by knowing what is habitual to them. Proverbs are habitual to a Nation, being transmitted from Father to Son.

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* See Michelet's late remarkable publication, "Priests, Women, and Families."

Question.

WHEN a doubt is propounded, you must learn to distinguish, and show wherein a thing holds, and wherein it doth not hold. Ay, or no, never answered any Question. The not distinguishing where things should be distinguished, and the not confounding, where things should be confounded, is the cause of all the mistakes in the World.

Reason.

IN giving Reasons, Men commonly do with us as the Woman does with her Child; when she goes to Market about her business, she tells it she goes to buy it a fine thing, to buy it a Cake or some Plums. They give us such Reasons as they think we will be catched withal, but never let us know the Truth.

2. When the School-Men talk of *Recta Ratio* in Morals, either they understand Reason as it is governed by a Command from above, or else they say no more than a Woman, when she says a thing is so, because it is so; that is, her Reason persuades her 'tis so. The other Acception has Sense in it. As take a Law of the Land, I must not depopulate,* my Reason tells me so. Why? Because if I do, I incur the detriment.

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* *Depopulate.* Depopulatio agrorum—a great offence in the ancient Common Law: Pulling down, or leaving to ruin farm-houses, cottages, &c. turning arable into pasture, &c.

3. The Reason of a Thing is not to be enquired after, till you are sure the Thing itself be so. We commonly are at *What's the Reason of it?* before we are sure of the Thing. 'Twas an excellent Question of my Lady *Cotton*, when Sir *Robert Cotton* was magnifying of a Shoe, which was *Moses's* or *Noah's*, and wondering at the strange Shape and Fashion of it: *But, Mr.* Cotton, says she, *are you sure it is a Shoe?*

Retaliation.

AN *Eye for an Eye, and a Tooth for a Tooth.* That does not mean, that if I put out another Man's Eye, therefore I must lose one of my own, (for what is he the better for that?) though this be commonly received; but it means, I shall give him what Satisfaction an Eye shall be judged to be worth.

Reverence.

'TIS sometimes unreasonable to look after Respect and Reverence, either from a Man's own Servant, or other Inferiors. A great Lord and a Gentleman talking together, there came a Boy by, leading a Calf with both his Hands: says the Lord to the Gentleman, *You shall see me make the Boy let go his Calf;* with that he came towards him, thinking the Boy would have put off his Hat, but the Boy took no Notice of him. The Lord seeing that, *Sirrah,* says he, *Do you not know me that you use no Reverence? Yes,* says the Boy, *if your Lordship will hold my Calf, I will put off my Hat.*

Non-Residency.

THE People thought they had a great Victory over the Clergy, when in *Henry* the Eighth's time they got their Bill passed, That a Clergyman should have but two Livings: before, a Man might have Twenty or Thirty; 'twas but getting a Dispensation from the Pope's Limiter, or Gatherer of the *Peter-Pence*,* which was as easily got, as now you may have a *Licence* to eat Flesh.

2. As soon as a Minister is made, he hath Power to preach all over the World, but the Civil-Power restrains him; he cannot preach in this Parish, or in that; there is one already appointed. Now if the State allows him Two Livings, then he hath Two Places where he may Exercise his Function, and so has the more Power to do his Office, which he might do every where if he were not restrained.

Religion.

KING *James* said to the Fly, Have I Three Kingdoms, and thou must needs fly into my Eye? Is there not enough to meddle with upon the Stage, or in Love, or at the Table, but Religion?

2. Religion amongst Men appears to me like the

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* *Peter-Pence.* A levy of one penny to the Pope on every chimney that smoked—so called hearth-penny, smoke-penny, &c. granted by Ine or Athelulph.

Learning they got at School. Some Men forget all they learned, others spend upon the Stock, and some improve it. So some Men forget all the Religion that was taught them when they were Young, others spend upon that Stock, and some improve it.

3. Religion is like the Fashion: one Man wears his Doublet slashed, another laced, another plain; but every Man has a Doublet. So every man has his Religion. We differ about Trimming.*

4. Men say they are of the same Religion for Quietness sake; but if the Matter were well examined you would scarce find Three any where of the same Religion in all Points.

5. Every Religion is a getting Religion; for though I myself get nothing, I am subordinate to those that do. So you may find a Lawyer in the *Temple* that gets little for the present; but he is fitting himself to be in time one of those great Ones that do get.

6. Alteration of Religion is dangerous, because we know not where it will stay: 'tis like a *Millstone* that lies upon the top of a pair of Stairs; 'tis hard to remove it, but if once it be thrust off the first Stair, it never stays till it comes to the bottom.

7. *Question.* Whether is the Church or the Scripture Judge of Religion? *Answer.* In truth neither, but the State. I am troubled with a Boil; I call a Company of Chirurgeons about me; one prescribes one thing, another another; I single out something I like,

* May not this have afforded a hint to Swift for The Tale of a Tub?

and ask you that stand by, and are no Chirurgeon, what think you of it. You like it too; you and I are Judges of the Plaster, and we bid them prepare it, and there's an end. Thus 'tis in Religion: the Protestants say they will be judged by the Scriptures; the Papists say so too; but that cannot speak. A Judge is no Judge, except he can both speak and command Execution; but the truth is they never intend to agree. No doubt the Pope, where he is Supreme, is to be Judge; if he say we in *England* ought to be subject to him, then he must draw his Sword and make it good.

8. By the Law was the Manual received into the Church before the Reformation; not by the Civil Law, that had nothing to do in it; nor by the Canon Law, for that Manual that was here, was not in *France*, nor in *Spain;* but by Custom, which is the Common Law of *England;* and Custom is but the Elder Brother to a Parliament: and so it will fall out to be nothing that the Papists say, ours is a Parliamentary Religion, by reason the Service-Book was Established by Act of Parliament, and never any Service-Book was so before. That will be nothing that the Pope sent the Manual; 'twas ours, because the State received it. The State still makes the Religion, and receives into it what will best agree with it. Why are the *Venetians* Roman Catholics? because the State likes the Religion; all the World knows they care not Three-pence for the Pope. The Council of *Trent* is not at this day admitted in *France*.

9. *Papist.* Where was your Religion before *Luther*, an Hundred years ago? *Protestant.* Where was

America an Hundred or Sixscore Years ago? our Religion was where the rest of the Christian Church was. *Papist.* Our Religion continued ever since the Apostles, and therefore 'tis better. *Protestant.* So did ours. That there was an Interruption of it, will fall out to be nothing, no more than if another Earl should tell me of the Earl of *Kent;* saying, He is a better Earl than he, because there was one or two of the Family of *Kent* did not take the Title upon them; yet all that while they were really Earls; and afterwards as great a Prince declared them to be Earls of *Kent,* as he that made the other Family an Earl.

10. Disputes in Religion will never be ended, because there wants a Measure by which the Business would be decided. The *Puritan* would be judged by the Word of God: If he would speak clearly he means himself, but he is ashamed to say so; and he would have me believe him before a whole Church, that has read the Word of God as well as he. One says one thing, and another another; and there is, I say, no Measure to end the Controversy. 'Tis just as if Two Men were at Bowls, and both judged by the Eye. One says 'tis his Cast, the other says 'tis my Cast; and having no Measure, the Difference is Eternal. *Ben Jonson* Satirically expressed the vain Disputes of Divines, by *Inigo Lanthorn,* disputing with his Puppet in a *Bartholomew* Fair. It is so; It is not so: It is so; It is not so; crying thus one to another a quarter of an Hour together.

11. In Matters of Religion to be ruled by one that writes against his Adversary, and throws all the Dirt

he can in his Face, is, as if in point of good Manners a Man should be governed by one whom he sees at Cuffs with another, and thereupon thinks himself bound to give the next Man he meets a Box on the Ear.

12. 'Tis to no purpose to labour to reconcile Religions, when the Interest of Princes will not suffer it. 'Tis well if they could be reconciled so far that they should not cut one another's Throats.

13. There's all the Reason in the World, *Divines* should not be suffered to go a Hair beyond their Bounds, for fear of breeding Confusion, since there now be so many Religions on Foot. The Matter was not so narrowly to be looked after when there was but one Religion in Christendom: the rest would cry him down for an Heretic, and there was no Body to side with him.

14. We look after Religion as the Butcher did after his Knife, when he had it in his Mouth.

15. Religion is made a Juggler's Paper; now 'tis a Horse, now 'tis a Lanthorn, now 'tis a Boar, now 'tis a Man. To serve Ends Religion is turned into all Shapes.

16. Pretending Religion and the Law of God, is to set all things loose. When a Man has no mind to do something he ought to do by his Contract with Man, then he gets a Text, and interprets it as he pleases, and so thinks to get loose.

17. Some Men's pretending Religion, is like the Roaring Boys'* way of challenges, *Their Reputation*

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* *Roaring Boys.* The Swash bucklers or bullying bucks of Charles's time.

is dear, it does not stand with the Honour of a Gentleman; when, God knows, they have neither Honour nor Reputation about them.

18. They talk much of settling Religion: Religion is well enough settled already, if we would let it alone. Methinks we might look after, *&c.*

19. If Men would say they took Arms for any thing but Religion, they might be beaten out of it by Reason: out of that they never can, for they will not believe you whatever you say.

20. The very *Arcanum* of pretending Religion in all Wars, is, That something may be found out in which all men may have interest. In this the Groom has as much interest as the Lord. Were it for Land, one has One Thousand Acres, and the other but One; he would not venture so far as he that has a Thousand. But Religion is equal to both. Had all Men Land alike, by a *Lex Agraria*, then all Men would say they fought for Land.

Sabbath.

WHY should I think all the fourth Commandment belongs to me, when all the fifth does not? What Land will the Lord give me for honouring my Father? It was spoken to the Jews with reference to the Land of Canaan; but the meaning is, If I honour my Parents, God will also bless me. We read the Commandments in the Church-Service, as we do David's Psalms; not that all there concerns us, but a great deal of them does.

Sacrament.

CHRIST suffered *Judas* to take the Communion. Those Ministers that keep their Parishioners from it, because they will not do as they will have them, revenge, rather than reform.

2. No Man can tell whether I am fit to receive the Sacrament; for though I were fit the day before, when he examined me, at least appeared so to him, yet how can he tell, what sin I have committed that night, or the next morning, or what impious Atheistical thoughts I may have about me, when I am approaching to the very Table?

Salvation.

WE can best understand the meaning of σωτηρία, Salvation, from the Jews, to whom the Saviour was promised. They held that themselves should have the chief place of happiness in the other world; but the Gentiles that were good men, should likewise have their portion of Bliss there too. Now by Christ the Partition-Wall is broken down, and the Gentiles that believe in him, are admitted to the same place of Bliss with the Jews; and why then should not that portion of Happiness still remain to them, who do not believe in Christ, so they be morally Good? This is a charitable opinion.

State.

IN a troubled State save as much for your own as you can. A Dog had been at Market to buy a Shoulder of Mutton; coming home he met two Dogs by the way, that quarrelled with him; he laid down his Shoulder of Mutton, and fell to fighting with one of them; in the meantime the other Dog fell to eating his Mutton; he seeing that, left the Dog he was fighting with, and fell upon him that was eating; then the other Dog fell to eat: when he perceived there was no remedy, but which of them soever he fought withal, his Mutton was in danger, he thought he would have as much of it as he could, and thereupon gave over fighting, and fell to eating himself.

Superstition.

THEY that are against Superstition oftentimes run into it of the wrong side. If I will wear all colours but black, then am I superstitious in not wearing black.

2. They pretend not to abide the Cross,* because 'tis superstitious; for my part I will believe them, when I

* It will be remembered that on the old coins the reverse had generally the device of a *Cross*, hence the French phrase of "Jouer *Croix* et pile" for to play at tossing for heads or tails. So in As You Like It, ii. 4. "*Touch.* For my part I had rather bear with you than bear you; yet I should bear no *Cross* if I did bear you; for I think you have no *money* in your purse."

see them throw their money out of their pockets, and not till then.

3. If there be any Superstition truly and properly so called, 'tis their observing the Sabbath after the Jewish manner.

Subsidies.

ERETOFORE the Parliament was wary what Subsidies they gave to the King, because they had no account; but now they care not how much they give of the Subjects' money, because they give it with one hand, and receive it with the other; and so upon the matter give it themselves. In the mean time what a case the Subjects of *England* are in! If the men they have sent to the Parliament misbehave themselves, they cannot help it, because the Parliament is eternal.

2. A Subsidy was counted the fifth part of a Man's Estate, and so fifty Subsidies is five and forty times more than a man is worth.

Simony.

HE Name of Simony was begot in the Canon-Law: the first Statute against it was in Queen *Elizabeth's* time. Since the Reformation Simony has been frequent: One reason why it was not practised in time of Popery, was the Pope's provision; no man was sure to bestow his own Benefice.

Ship-Money.

MR. *Noy* brought in Ship-money first for Maritime Towns; but that was like putting in a little Auger, that afterwards you may put in a greater. He that pulls down the first Brick, does the main Work; afterwards 'tis easy to pull down the Wall.

2. They that at first would not pay Ship-money, till 'twas decided, did like brave men, though perhaps they did no good by the Trial; but they that stand out since, and suffer themselves to be distrained, never questioning those that do it, do pitifully, for so they only pay twice as much as they should.*

Synod Assembly.†

WE have had no National Synod since the Kingdom hath been settled as now it is, only Provincial; and there will be this in-

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* Selden evidently doubted whether Hampden's contest against the payment of Ship-Money, though praiseworthy and correct, was of any benefit to the country, and we may consider that his doubt was founded upon a just fear that it would aggravate the growing enmity between the people and the Sovereign, and would involve in one feeling of dislike all the constituted branches of the Executive.—*Johnson's Memoirs of Selden.*

† It was not composed like the yearly General Synods of the Presbyterian Church, entrusted with independent power; but was a Committee to advise with Parliament in matters of Religion, and referring all to the final sanction of Parliament. The

conveniency, to call so many Divines together; 'twill be to put power in their Hands, who are too apt to usurp it, as if the Laity were bound by their determination. No, let the Laity consult with Divines on all sides, hear what they say, and make themselves Masters of their Reasons, as they do by any other profession, when they have a difference before them. For Example, Goldsmiths, they enquire of them, if such a Jewel be of such a value, and such a stone of such a value, hear them, and then, being rational men, judge themselves.

2. Why should you have a Synod, when you have a Convocation already, which is a Synod? Would you have a superfetation of another Synod? The Clergy of *England*, when they cast off the Pope, submitted themselves to the Civil Power, and so have continued, but these challenge to be *Jure Divino*, and so to be above the Civil Power; these challenge power to call before their Presbyteries all Persons for all sins directly against the Law of God, as proved to be sins by necessary consequence. If you would buy Gloves, send for a Glover or two, not Glovers-Hall: consult with some Divines, not send for a Body.

3. There must be some Laymen in the Synod, to overlook the Clergy, lest they spoil the Civil work: Just as when the good Woman puts a Cat into the Milk-

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Presbyterian party strove hard to make their Church and councils independent of the state; but Selden and the Erastians kept them under the civil power.

The Assembly began to sit in July, 1643, in February, 1648-9, changed into a Committee for the ordination of Ministers, and broke up finally in 1652.

House to kill a Mouse, she sends her Maid to look after the Cat, lest the Cat should eat up the Cream.

4. In the Ordinance for the Assembly, the Lords and Commons go under the names of learned, godly, and judicious Divines; there is no difference put betwixt them and the Ministers in the context.

5. 'Tis not unusual in the Assembly to revoke their Votes, by reason they make so much haste, but 'tis that will make them scorned. You never heard of a Council [that] revoked an Act of its own making; they have been wary in that, to keep up their infallibility; if they did any thing, they took away the whole Council, and yet we would be thought infallible as any body. 'Tis not enough to say, the House of Commons revoke their Votes, for theirs are but Civil truths, which they by agreement create, and uncreate, as they please: but the Truths the Synod deals in are Divine; and when they have voted a thing, if it be then true, 'twas true before; not true because they voted it, nor does it cease to be true because they voted otherwise.

6. Subscribing in a Synod, or to the Articles of a Synod, is no such terrible thing as they make it; because, If I am of a Synod, 'tis agreed, either tacitly or expressly, that which the major part determines, the rest are involved in; and therefore I subscribe, though my own private Opinion be otherwise; and upon the same Ground, I may without scruple subscribe to what those have determined whom I sent, though my private Opinion be otherwise, having respect to that which is the Ground of all assemblies; the major part carries it.

Thanksgiving.

AT first we gave thanks for every Victory as soon as ever 'twas obtained; but since we have had many, now we can stay a good while. We are just like a Child: give him a Plum, he makes his Leg; give him a second Plum, he makes another Leg; at last when his Belly is full, he forgets what he ought to do; then his Nurse, or somebody else that stands by him, puts him in mind of his Duty; *Where's your Leg?*

Tithes.

TITHES are more paid in kind in *England*, than in all *Italy* and *France*. In *France* they have had Impropriations* a long time; we had none in *England* till *Henry* the Eighth.

2. To make an Impropriation, there was to be the consent of the Incumbent, the Patron, and the King; then 'twas confirmed by the Pope: without all this the Pope could make no Impropriation.

3. Or what if the Pope gave the *Tithes* to any Man, must they therefore be taken away? If the Pope gives me a Jewel, will you therefore take it away from me?

4. *Abraham* paid Tithes to *Melchizedeck*. What then? 'Twas very well done of him; it does not fol-

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* *Impropriations*, i. e. Lay-impropriations; appropriation being the proper term for any benefice given into clerical hands.

low therefore that I must pay Tithes, no more than I am bound to imitate any other action of *Abraham's*.

5. 'Tis ridiculous to say the Tithes are God's Part, and therefore the Clergy must have them. Why, so they are if the Layman has them. 'Tis as if one of my Lady *Kent's* Maids should be sweeping this Room, and another of them should come and take away the Broom, and tell for a Reason why she should part with it; 'Tis my Lady's Broom: As if it were not my Lady's Broom, which of them soever had it.

6. They consulted in *Oxford* where they might find the best Argument for their Tithes, setting aside the *Jus Divinum;* they were advised to my History of Tithes; a Book so much cried down by them formerly; in which, I dare boldly say, there are more arguments for them than are extant together any where. Upon this, one writ me word, That my History of Tithes was now become like *Pelias' Hasta,** to wound and to heal. I told him in my Answer, I thought I could fit him with a better Instance. 'Twas possible it might undergo the same Fate, that *Aristotle, Avicen,* and *Averroes* did in *France,* some five hundred Years ago; which were Excommunicated by *Stephen* Bishop of *Paris* (by that very name, *Excommunicated*) because that kind of Learning puzzled and troubled their Divinity; but finding themselves at a loss, some Forty Years after (which is much about the time since I writ my History) they were called in again, and so have continued ever since.

* *Pelias' hasta,* i. e. the spear of Achilles, which was necessary to cure the wound it had inflicted on Telephus.

Trade.

THERE is no Prince in Christendom but is directly a Tradesman, though in another way than an ordinary Tradesman. For the purpose, I have a Man; I bid him lay out twenty Shillings in such Commodities; but I tell him for every Shilling he lays out I will have a Penny. I trade as well as he. This every Prince does in his Customs.

2. That which a Man is bred up in he thinks no cheating; as your Tradesman thinks not so of his Profession, but calls it a Mystery. Whereas if you would teach a Mercer to make his Silks heavier, than what he has been used to, he would peradventure think that to be cheating.

3. Every Tradesman professes to cheat me, that asks for his Commodity twice as much as it is worth.

Tradition.

SAY what you will against *Tradition;* we know the Signification of Words by nothing but Tradition. You will say the Scripture was written by the Holy *Spirit;* but do you understand that Language 'twas writ in? No. Then for Example, take these words, *In principio erat verbum.* How do you know those words signify, *In the beginning was the word,* but by Tradition, because some Body has told you so?

Transubstantiation.

THE Fathers using to speak Rhetorically, brought up Transubstantiation: as if because it is commonly said, *Amicus est alter idem*, one should go about to prove a Man and his Friend are all one. That Opinion is only Rhetoric turned into Logic.

2. There is no greater Argument (though not used) against Transubstantiation than the Apostles at their first Council forbidding Blood and Suffocation. Would they forbid Blood, and yet enjoin the eating of Blood too?

3. The best way for a pious Man, is, to address himself to the Sacrament with that Reverence and Devotion, as if Christ were really there present.

Traitor.

THIS not seasonable to call a Man Traitor that has an Army at his Heels. One with an Army is a Gallant man. My Lady *Cotton* was in the right, when she laughed at the Dutchess of *Richmond* for taking such State upon her, when she could Command no Forces. *She a Dutchess! there's in* Flanders *a Dutchess indeed;* meaning the Arch-Dutchess.

Trinity.

THE second Person is made of a piece of Bread by the Papist, the Third Person is made of his own Frenzy, Malice, Ignorance and Folly, by the Roundhead. To all these the Spirit is intituled. One the Baker makes, the other the Cobler; and betwixt those two, I think the First Person is sufficiently abused.

Truth.

THE *Aristotelians* say, All Truth is contained in *Aristotle* in one place or another. *Galileo* makes *Simplicius* say so, but shows the absurdity of that Speech, by answering, All Truth is contained in a lesser Compass, *viz.* in the Alphabet. *Aristotle* is not blamed for mistaking sometimes, but *Aristotelians* for maintaining those mistakes. They should acknowledge the good they have from him, and leave him when he is in the wrong. There never breathed that Person to whom Mankind was more beholden.

2. The way to find out the Truth is by others' mistakings; for if I was to go to such a Place, and one had gone before me on the Right-hand, and he was out; another had gone on the Left-hand, and he was out; this would direct me to keep the middle way, that peradventure would bring me to the place I desired to go.

3. In troubled Water you can scarce see your Face, or see it very little, till the Water be quiet and stand still. So in troubled times you can see little Truth; when times are quiet and settled, then Truth appears.

Trial.

TRIALS are by one of these three ways; by Confession, or by Demurrer; that is, confessing the Fact, but denying it to be that, wherewith a Man is charged; for Example, denying it to be Treason, if a Man be charged with Treason; or by a Jury.

2. *Ordalium* was a Trial; and was either by going over nine red-hot Plough Shares, (as in the Case of Queen *Emma*, accused for lying with the Bishop of *Winchester*, over which she being led blindfold, and having passed all her Irons, asked when she should come to her Trial;) or 'twas by taking a red-hot Coulter in a Man's hand, and carrying it so many Steps, and then casting it from him. As soon as this was done, the Hands or the Feet were to be bound up, and certain Charms to be said, and a day or two after to be opened: if the parts were whole, the Party was judged to be Innocent; and so on the contrary.

3. The Rack is used no where as in *England:** In

* It is commonly believed the Rack was not used in England later than 1619, when Peacham, suspected of treason, was racked by order of the Privy Council. But Mr. Jardine quotes from

other Countries 'tis used in *Judicature*, when there is a *Semiplena probatio*, a half Proof against a Man; then to see if they can make it full, they rack him if he will not confess. But here in *England* they take a Man and rack him, I do not know why, nor when; not in time of *Judicature*, but when some body bids.

4. Some Men before they come to their Trial, are cozened to Confess upon Examination. Upon this Trick, they are made to believe some body has confessed before them; and then they think it a piece of Honour to be clear and ingenuous, and that destroys them.

University.

THE best Argument why *Oxford* should have precedence of *Cambridge*, is the Act of Parliament, by which *Oxford* is made a Body, made what it is, and *Cambridge* is made what it is; and in the Act it takes place. Besides *Oxford* has the best Monuments to show.

2. 'Twas well said of one, hearing of a History Lecture to be founded in the University: Would to God, says he, they would direct a Lecture of Discretion there; this would do more Good there a hundred times.

3. He that comes from the University to govern the

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the Council Book a series of warrants for torture from Edward the Sixth down to 1640. The twelve Judges declared it was against the Law, in Felton's case.

State, before he is acquainted with the Men and Manners of the Place, does just as if he should come into the presence Chamber all Dirty, with his Boots on, his riding Coat, and his Head all daubed. They may serve him well enough in the Way, but when he comes to Court, he must conform to the Place.

Vows.

SUPPOSE a Man find by his own Inclination he has no mind to marry, may he not then vow Chastity? *Answer.* If he does, what a fine thing hath he done! 'tis as if a Man did not love Cheese, and then he would vow to God Almighty never to eat Cheese. He that vows can mean no more in sense than this; to do his utmost endeavour to keep his Vow.

Usury.

THE *Jews* were forbidden to take Use one of another, but they were not forbidden to take it of other Nations. That being so, I see no reason, why I may not as well take Use for my Money as Rent for my House.* 'Tis a vain thing to

* The prejudice against taking Use or Interest for money was then termed *Usury*, and was considered if not criminal, at least hateful. The reader may turn to Lord Bacon's 41st Essay, which is on this subject, to see with what caution he ventures to speak of "the Commodities of Usury," and he will be amused with some of the arguments against it.

say, Money begets not Money; for that no doubt it does.

2. Would it not look oddly to a Stranger that should come into this Land, and hear in our Pulpits Usury preached against, and yet the Law allow it? Many Men use it; perhaps some Churchmen themselves. No Bishop nor Ecclesiastical Judge, that pretends power to punish other Faults, dares punish, or at least does punish any man for doing it.

Pious Uses.

THE ground of the Ordinary's taking part of a Man's Estate, who died without a Will, to Pious Uses, was this; to give it some body to pray, that his Soul might be delivered out of Purgatory: now the pious Uses come into his own Pocket. 'Twas well expressed by *John O Powls* in the Play, who acted the Priest: one that was to be hanged, being brought to the Ladder, would fain have given something to the Poor; he feels for his Purse, (which *John O Powls* had picked out of his Pocket before,) missing it, cries out, he had lost his Purse; now he intended to have given something to the Poor: *John O Powls* bid him be pacified, for the Poor had it already.

War.

DO not under-value an Enemy by whom you have been worsted. When our Countrymen came home from fighting with the *Saracens*, and were beaten by them, they pictured them with huge, big, terrible Faces (as you still see the sign of the *Saracen's* Head is), when in truth they were like other Men. But this they did to save their own Credits.

2. Martial-Law* in general, means nothing but the Martial-Law of this, or that Place: with us to be used in *Fervore Belli*, in the Face of the Enemy, not in time of Peace; there they can take away neither Limb nor Life. The Commanders need not complain for want of it, because our Ancestors have done gallant things without it.

3. *Question.* Whether may Subjects take up Arms against their Prince? *Answer.* Conceive it thus: Here lies a Shilling betwixt you and me; Ten Pence of the Shilling is yours, Two Pence is mine: by agreement, I am as much King of my Two Pence, as you of your Ten Pence. If you therefore go about to take away

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* Martial Law. This was one of the chief grievances complained of in the Petition of Right, debated many days in Parliament, and Selden one of the chief speakers. Charles had billeted his soldiers illegally on his subjects; any crimes, violence, &c. those soldiers should commit, to be punished by Martial Law—whereby many were illegally executed, and many, acquitted by the Martial Law, evaded the surer process of the Common Law. Great outrage and violence prevailed; the roads were not safe, markets unfrequented, &c.

my Two Pence, I will defend it, for there you and I are equal, both Princes.

4. Or thus, two supreme Powers meet: one says to the other, give me your Land; if you will not, I will take it from you; the other, because he thinks himself too weak to resist him, tells him, of Nine Parts I will give you Three, so I may quietly enjoy the rest, and I will become your Tributary. Afterwards the Prince comes to exact Six Parts, and leaves but Three; the Contract then is broken, and they are in Parity again.

5. To know what Obedience is due to the Prince, you must look into the Contract betwixt him and his People; as if you would know what Rent is due from the Tenant to the Landlord, you must look into the Lease. When the Contract is broken, and there is no third Person to judge, then the Decision is by Arms. And this is the Case between the Prince and the Subject.

6. *Question.* What Law is there to take up Arms against the Prince, in Case he break his Covenant? *Answer.* Though there be no written Law for it, yet there is Custom, which is the best Law of the Kingdom; for in *England* they have always done it. There is nothing expressed between the King of *England* and the King of *France*, that if either Invades the other's Territory, the other shall take up Arms against him; and yet they do it upon such an Occasion.

7. 'Tis all one to be plundered by a Troop of Horse, or to have a Man's Goods taken from him by an Order from the Council Table. To him that dies, 'tis all one whether it be by a Penny Halter, or a Silk Garter;

yet I confess the Silk Garter pleases more; and like Trouts, we love to be tickled to Death.

8. The Soldiers say they fight for Honour, when the Truth is they have their Honour in their Pocket; and they mean the same thing that pretend to fight for Religion. Just as a Parson goes to Law with his Parishioners; he says, For the good of his Successors, that the Church may not lose its Right; when the meaning is to get the Tithes into his own Pocket.

9. We govern this War as an unskilful Man does a Casting-Net: if he has not the right trick to cast the Net off his Shoulder, the Leads will pull him into the River. I am afraid we shall pull ourselves into Destruction.

10. We look after the particulars of a Battle, because we live in the very time of War; whereas of Battles past we hear nothing but the number slain. Just as for the Death of a Man: when he is sick, we talk how he slept this Night, and that Night, what he eat, and what he drank: But when he is dead, we only say, he died of a Fever, or name his Disease, and there's an end.

11. *Boccaline** has this passage of Soldiers. They came to *Apollo* to have their Profession made the Eighth Liberal Science, which he granted. As soon as it was noised up and down, it came to the Butchers, and they desired their Profession might be made the Ninth:

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* Ragguagli di Parnasso, Centuria I. cap. lxxv. This book seems to have been a favourite with Selden, he has cited it elsewhere. It was extremely popular for its wit and satire.

For say they, the Soldiers have this Honour for the killing of Men; now we kill as well as they; but we kill Beasts for the preserving of Men, and why should not we have Honour likewise done to us? *Apollo* could not Answer their Reasons, so he reversed his Sentence, and made the Soldier's Trade a Mystery, as the Butcher's is.

*Witches.**

THE Law against Witches does not prove there be any; but it punishes the Malice of those People, that use such means to take away Men's Lives. If one should profess that by

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* There is a remarkable coincidence of opinion on the justice of punishing Witchcraft between Selden and Hobbes. "As for Witches, I think not that their witchcraft is any real power; but yet that they are justly punished for the false beliefe they have that they can do such mischiefe, joyned with their purpose to do it if they can: their trade being nearer to a new Religion than to a Craft or Science."—*Leviathan*, p. 7, ed. 1651.

This however would only apply to those who practised witchery with an evil intention, or to impose on credulity. Many of the poor wretches who were cruelly tormented and executed as supposed witches, were the victims of wicked informers or malevolent and ignorant neighbours, or enemies. And their confessions were extorted from them by cruel tortures. It seems now marvellous that the belief in witches so long maintained itself not only among the people, but among men of high intellectual power, a Glanville and a Henry More. Even Bentley defends the belief in witchcraft on the ground of the existence of a public law against it declaring it felony, and Dr. Samuel Clarke in his Exposition of the Church Catechism appears to countenance the popular credulity.

turning his Hat thrice, and crying Buz, he could take away a Man's Life, though in truth he could do no such thing, yet this were a just Law made by the State, that whosoever should turn his Hat thrice, and cry Buz, with an intention to take away a Man's Life, shall be put to death.

Wife.

HE that hath a handsome Wife, by other Men is thought happy; 'tis a Pleasure to look upon her, and be in her Company; but the Husband is cloyed with her. We are never content with what we have.

2. You shall see a Monkey sometime, that has been playing up and down the Garden, at length leap up to the top of the Wall, but his Clog hangs a great way below on this side: the Bishop's Wife is like that Monkey's Clog; himself is got up very high, takes place of the Temporal Barons, but his Wife comes a great way behind.

3. 'Tis reason a Man that will have a Wife should be at the Charge of her Trinkets, and pay all the Scores she sets on him. He that will keep a Monkey 'tis fit he should pay for the Glasses he breaks.

Wisdom.

A WISE Man should never resolve upon any thing, at least never let the World know his Resolution, for if he cannot arrive at that, he is ashamed. How many things did the King resolve in his Declaration concerning *Scotland*, never to do, and yet did them all! A Man must do according to Accidents and Emergencies.

2. Never tell your Resolution beforehand; but when the Cast is thrown, play it as well as you can to win the Game you are at. 'Tis but folly to study how to play Size-ace, when you know not whether you shall throw it or no.

3. Wise Men say nothing in dangerous times. The Lion you know called the Sheep to ask her if his Breath smelt: she said, Aye; he bit off her Head for a Fool. He called the Wolf and asked him: he said no; he tore him in pieces for a Flatterer. At last he called the Fox and asked him: truly he had got a Cold and could not smell.

Wit.

WIT and Wisdom differ; Wit is upon the sudden turn, Wisdom is in bringing about ends.

2. Nature must be the ground-work of Wit and Art; otherwise whatever is done will prove but Jack-pudding's work.

3. Wit must grow like Fingers. If it be taken from others, 'tis like Plums stuck upon black Thorns; there they are for a while, but they come to nothing.

4. He that will give himself to all manner of ways to get Money, may be rich; so he that lets fly all he knows or thinks, may by chance be Satirically Witty. Honesty sometimes keeps a Man from growing Rich, and Civility from being Witty.

5. Women ought not to know their own Wit, because they will still be showing it, and so spoil it; like a Child that will continually be showing its fine new Coat, till at length it all bedaubs it with its pah Hands.

6. Fine Wits destroy themselves with their own Plots, in meddling with great Affairs of State. They commonly do as the Ape that saw the Gunner put Bullets in the Cannon, and was pleased with it, and he would be doing so too: at last he puts himself into the Piece, and so both Ape and Bullet were shot away together.

Women.

LET the Women have power of their heads, because of the Angels. The reason of the words *because of the Angels*, is this: The *Greek* Church held an Opinion that the Angels fell in Love with Women; an Opinion grounded upon that, *Genesis* vi.* *The Sons of God saw the Daughters of Men that they were fair.* This Fancy St. *Paul* dis-

* But see also the Apocryphal Book of Enoch, ch. vii. v. 1, 2.

creetly catches, and uses it as an Argument to persuade them to modesty.

2. The Grant of a Place is not good by the Canon Law, before a Man be dead: upon this ground some Mischief might be plotted against him in present possession, by poisoning or some other way. Upon the same reason a Contract made with a Woman, during her Husband's Life, was not valid.

3. Men are not troubled to hear a Man dispraised, because they know though he be nought, there's worth in others; but Women are mightily troubled to hear any of them spoken against, as if the Sex itself were guilty of some Unworthiness.

4. Women and Princes must both trust some body, and they are Happy or Unhappy according to the desert of those under whose Hands they fall. If a Man knows how to manage the Favour of a Lady, her Honour is safe, and so is a Prince's.

Year.

WAS the Manner of the Jews (if the Year did not fall out right, but that it was dirty for the People to come up to *Jerusalem*, at the Feast of the Passover, or that their Corn was not ripe for their first Fruits,) to intercalate a Month, and so to have, as it were, two *Februaries*, thrusting up the Year still higher, *March* into *April's* place, *April* into *May's* place, *&c.* Whereupon it is impossible for us to know when our Saviour was born, or when he died.

2. The Year is either the Year of the Moon, or the Year of the Sun; there's not above eleven Days difference. Our moveable Feasts are according to the Year of the Moon; else they should be fixed.

3. Though they reckon ten Days sooner beyond Sea, yet it does not follow their Spring is sooner than our's: we keep the same time in natural things, and their ten Days sooner, and our ten Days later in those things mean the self same time; just as twelve *Sous* in *French*, are ten Pence in *English*.

4. The lengthening of Days is not suddenly perceived till they are grown a pretty deal longer, because the Sun, though it be in a Circle, yet it seems for a while to go in a right Line. For take a Segment of a great Circle especially, and you shall doubt whether it be straight or no. But when the Sun is got past that Line, then you presently perceive the Days are lengthened. Thus it is in the Winter and Summer Solstice; which is indeed the true Reason of them.

5. The Eclipse of the Sun is, when it is new Moon; the Eclipse of the Moon when 'tis full. They say *Dionysius* was converted by the Eclipse that happened at our Saviour's Death, because it was neither of these, and so could not be natural.

Zealots.

ONE would wonder Christ should whip the Buyers and Sellers out of the Temple, and nobody offer to resist him, considering what

Opinion they had of him. But the reason was, they had a Law, that whosoever did profane *Sanctitatem Dei, aut Templi;* the Holiness of God or the Temple, before ten Persons, 'twas lawful for any of them to kill him, or to do any thing this side killing him, as whipping him, or the like. And hence it was, that when one struck our Saviour before the Judge, where it was not lawful to strike (as it is not with us at this Day), he only replies; If I have spoken Evil, bear Witness of the Evil; but if Well, why smitest thou me? He says nothing against their smiting him, in case he had been guilty of speaking Evil, that is Blasphemy; and they could have proved it against him. They that put this Law into execution were called Zealots; but afterwards they committed many Villanies.

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